

Senate Amendment to
House File 2531

H-8640

1 Amend House File 2531, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, line 6, by striking <and area education
4 agency>

5 2. Page 4, by striking lines 8 through 13 and
6 inserting:

7 <Sec. _____. INSTRUCTIONAL SUPPORT STATE AID —
8 APPROPRIATION. In lieu of the appropriation provided
9 in section 257.20, there is appropriated from the
10 school infrastructure fund created in section 12.82,
11 subsection 1, to the department of education for the
12 fiscal year beginning July 1, 2010, and ending June 30,
13 2011, the following amount, or so much thereof as is
14 necessary, to be used for the purposes designated:

15 For paying instructional support state aid for
16 fiscal year 2010-2011:

17 \$ 7,500,000

18 Notwithstanding section 257.20, subsection 3, the
19 appropriation made in this lettered paragraph shall
20 be allocated in the same manner as the allocation of
21 the appropriation was made for the same purpose in the
22 previous fiscal year.>

23 3. Page 6, after line 29 by inserting:

24 <Sec. _____. Section 257.35, subsection 5, Code
25 Supplement 2009, is amended to read as follows:

26 5. Notwithstanding subsection 1, and in addition to
27 the reduction applicable pursuant to subsection 2, the
28 state aid for area education agencies and the portion
29 of the combined district cost calculated for these
30 agencies for each fiscal year of the fiscal period
31 beginning July 1, 2008, and ending June 30, ~~2010~~ 2011,
32 shall be reduced by the department of management by two
33 million five hundred thousand dollars. The reduction
34 for each area education agency for each fiscal year of
35 the fiscal period beginning July 1, 2008, and ending
36 June 30, ~~2010~~ 2011, shall be prorated based on the
37 reduction that the agency received in the fiscal year
38 beginning July 1, 2003.>

39 4. Page 10, line 20, by striking <may> and
40 inserting <shall not>

41 5. Page 13, line 21, after <officer,> by inserting
42 <state debt coordinator,>

43 6. Page 28, after line 7 by inserting:

44 <Sec. _____. 2010 Iowa Acts, Senate File 2366,
45 section 16, if enacted, is amended to read as follows:

46 SEC. 16. EFFECTIVE DATE — APPLICABILITY. ~~This~~
47 ~~section~~ The sections of this division of this Act
48 providing for transfers involving the college student
49 aid commission and the department of inspections and
50 appeals are retroactively applicable to December 14,

1 2009, and apply in lieu of the transfers made for the
2 same purposes by the executive branch, as reported by
3 the department of management in the transfer notices
4 dated December 14, 2009.>

5 7. Page 29, after line 30 by inserting:
6 <____. The section of this division of this Act
7 amending 2010 Iowa Acts, Senate File 2366, section 16.>

8 8. Page 30, after line 8 by inserting:
9 <Sec. _____. DEPARTMENT OF CULTURAL AFFAIRS —
10 MERCHANT MARINE BONUS FUND. There is appropriated
11 from the merchant marine bonus fund of the state to
12 the department of cultural affairs for the fiscal year
13 beginning July 1, 2010, and ending June 30, 2011, any
14 moneys remaining in the fund after the appropriation
15 made pursuant to 2010 Iowa Acts, House File 2526,
16 to be used for any costs relating to a study of the
17 U.S.S. Iowa and for departmental salaries, support,
18 maintenance, and miscellaneous purposes.

19 Notwithstanding section 8.33, moneys appropriated in
20 this section that remain unencumbered or unobligated
21 at the close of the fiscal year shall not revert but
22 shall remain available for expenditure for the purposes
23 designated until the close of the succeeding fiscal
24 year.>

25 9. Page 30, after line 8 by inserting:
26 <Sec. _____. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND
27 STORAGE TANK FUND — APPROPRIATIONS. There is
28 appropriated from the Iowa comprehensive petroleum
29 underground storage tank fund created in section 455G.3
30 to the following departments and agencies for the
31 fiscal year beginning July 1, 2010, and ending June
32 30, 2011, the following amounts, or so much thereof as
33 is necessary, to be used for the purposes designated,
34 notwithstanding section 455G.3, subsection 1:

35 1. DEPARTMENT OF PUBLIC HEALTH — BOARD OF PHARMACY
36 a. For support of the Iowa pharmacy recovery
37 network:

38 \$ 100,000

39 b. For continuation of the pharmaceutical
40 collection and disposal pilot program established
41 pursuant to 2009 Iowa Acts, chapter 175, section 9:

42 \$ 150,000

43 2. DEPARTMENT OF ADMINISTRATIVE SERVICES
44 For costs associated with providing autism spectrum
45 disorders coverage pursuant to section 514C.26, as
46 enacted by this Act:

47 \$ 140,000

48 3. STATE BOARD OF REGENTS

49 a. For the state school for the deaf:
50 \$ 233,000

1 b. For Iowa braille and sight saving school:
2 \$ 137,000
3 4. DEPARTMENT OF EDUCATION — VOCATIONAL
4 REHABILITATION SERVICES DIVISION
5 For a program for farmers with disabilities:
6 \$ 97,000
7 The funds appropriated in this subsection shall
8 be used for the public purpose of providing a grant
9 to a national nonprofit organization with over 80
10 years of experience in assisting children and adults
11 with disabilities and special needs. The funds shall
12 be used for a nationally recognized program that
13 began in 1986 and has been replicated in at least 30
14 other states, but which is not available through any
15 other entity in this state, that provides assistance
16 to farmers with disabilities in all 99 counties to
17 allow the farmers to remain in their own homes and
18 be gainfully engaged in farming through provision
19 of agricultural worksite and home modification
20 consultations, peer support services, services to
21 families, information and referral, and equipment
22 loan services. Notwithstanding section 8.33, moneys
23 appropriated in this section that remain unencumbered
24 or unobligated at the close of the fiscal year shall
25 not revert but shall remain available for expenditure
26 for the purposes designated until the close of the
27 succeeding fiscal year.>
28 . DEPARTMENT OF HUMAN SERVICES
29 For restoring for the fiscal year beginning July 1,
30 2010, a portion of the reimbursement rate reduction
31 that was applied in the previous fiscal year to
32 adoption, family foster care, group foster care, and
33 supervised apartment living services providers, to
34 implement appropriations reductions applied pursuant to
35 executive order number 19 issued October 8, 2010:
36 \$ 1,000,000
37 The department shall increase the reimbursement
38 rates otherwise specified in 2010 Iowa Acts, House File
39 2526, if enacted, for the designated services providers
40 by an equal percentage in order to fully utilize the
41 amount appropriated in this subsection.
42 5. DEPARTMENT OF COMMERCE — DIVISION OF INSURANCE
43 For costs associated with establishing the Iowa
44 insurance information exchange pursuant to section
45 505.32, if enacted by 2010 Iowa Acts, Senate File 2356:
46 \$ 150,000
47 10. Page 30, after line 8 by inserting:
48 <Sec. . FISCAL YEAR 2009-2010 —
49 APPROPRIATIONS. There is appropriated from the
50 general fund of the state to the following departments

1 and agencies for the fiscal year beginning July 1,
2 2009, and ending June 30, 2010, the following amounts,
3 or so much thereof as is necessary, to be used for the
4 purposes designated:

5 1. DEPARTMENT OF MANAGEMENT
6 For salaries, support, maintenance, and
7 miscellaneous purposes:
8 \$ 200,000

9 2. DEPARTMENT OF REVENUE
10 For the duties of the office of the state debt
11 coordinator established in 2010 Iowa Acts, Senate
12 File 2383, if enacted, including salaries, support,
13 maintenance, services, advertising, miscellaneous
14 purposes, and for not more than the following full-time
15 equivalent positions:
16 \$ 300,000
17 FTEs 3.00

18 For the period beginning on the effective date of
19 the section establishing the debt amnesty program in
20 2010 Iowa Acts, Senate File 2383, through November 30,
21 2010, or when the program is ended, whichever is later,
22 an amount of the proceeds collected by the program
23 equal to the administrative, advertising, and other
24 costs of the program shall be considered repayment
25 receipts, as defined in section 8.2, and shall be used
26 by the office of the state debt coordinator for those
27 costs.

28 Notwithstanding section 8.33, moneys appropriated in
29 this section that remain unencumbered or unobligated
30 at the close of the fiscal year shall not revert but
31 shall remain available for expenditure for the purposes
32 designated until the close of the succeeding fiscal
33 year.>

34 11. Page 30, after line 21 by inserting:
35 <Sec. _____. SCHOOL READY CHILDREN GRANT
36 REQUIREMENT. For the fiscal year beginning July 1,
37 2010, and ending June 30, 2011, the early childhood
38 Iowa state board may grant a school ready children
39 grant waiver as to the required percentage of family
40 support program to be committed to a home visitation
41 component to an early childhood Iowa area that is
42 funding the teaching interventions to empower and
43 strengthen families program and is more than 10 percent
44 away from meeting the required percentage.>

45 12. Page 30, after line 21 by inserting:
46 <Sec. _____. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF
47 INSPECTIONS AND APPEALS. There is appropriated from
48 the Medicaid fraud account created in section 249A.7
49 to the department of inspections and appeals for the
50 fiscal year beginning July 1, 2010, and ending June 30,

1 2011, the following amount or so much thereof as is
2 necessary, to be used for the purposes designated:
3 For salaries, support, maintenance, miscellaneous
4 purposes, administration, and other costs associated
5 with implementation of 2010 Iowa Acts, Senate File
6 2333, if enacted:
7 \$ 250,000>
8 13. Page 30, after line 21 by inserting:
9 <Sec. _____. TAIWAN TRADE OFFICE — IOWA
10 COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE
11 TANK FUND. There is appropriated from the Iowa
12 comprehensive petroleum underground storage tank fund
13 to the department of economic development for the
14 fiscal year beginning July 1, 2010, and ending June 30,
15 2011, the following amount, or so much thereof as is
16 necessary, to be used for the purposes designated:
17 Notwithstanding section 455G.3, subsection 1, for
18 establishing a trade office in Taipei, Taiwan:
19 \$ 100,000
20 If the department cannot arrange for matching moneys
21 from another source in an amount at least equal to
22 the appropriation made in this section, the moneys
23 appropriated in this section shall revert to the Iowa
24 comprehensive petroleum underground storage tank fund.>
25 14. Page 30, after line 21 by inserting:
26 <Sec. _____. INSURANCE DIVISION. There is
27 appropriated from the department of commerce revolving
28 fund created in section 546.12 to the insurance
29 division of the department of commerce for the fiscal
30 year beginning July 1, 2010, and ending June 30,
31 2011, the following amount, or so much thereof as is
32 necessary, to be used for the purposes designated:
33 For salaries, support, maintenance, miscellaneous
34 purposes, and for not more than the following full-time
35 equivalent positions:
36 \$ 55,000
37 FTEs 1.00>
38 15. Page 30, after line 33 by inserting:
39 <_____. DEPARTMENT OF EDUCATION
40 a. To provide funding in addition to the amount
41 appropriated in 2010 Iowa Acts, Senate File 2376,
42 section 6, subsection 14, for allocation to eligible
43 school districts for the four-year-old preschool
44 program under chapter 256C:
45 \$ 4,000,000
46 b. For school districts to provide direct
47 services to the most at-risk senior high school
48 students enrolled in school districts through direct
49 intervention by a jobs for America's graduates
50 specialist:

1 \$ 540,000
2 DEPARTMENT OF NATURAL RESOURCES
3 For operations, notwithstanding restrictions
4 otherwise applicable under 2010 Iowa Acts, House File
5 2525, relating to private buildings, if enacted:
6 \$ 300,000
7 DEPARTMENT OF HUMAN SERVICES
8 For funding of shelter care in addition to the
9 amount allocated for this purpose in the appropriation
10 for child and family services in 2010 Iowa Acts, House
11 File 2526, if enacted:
12 \$ 500,000
13 OFFICE OF ENERGY INDEPENDENCE
14 For deposit in the Iowa power fund:
15 \$ 2,000,000>
16 16. Page 30, after line 33 by inserting:
17 < . IOWA FINANCE AUTHORITY
18 a. To a county with a population between 189,000
19 and 196,000 in the last preceding certified federal
20 census for rehabilitation of a flood damaged public
21 service center:
22 \$ 4,500,000
23 b. To a city with a population between 120,500
24 and 120,800 in the last preceding certified federal
25 census for rehabilitation and renovation of a federal
26 courthouse and to meet federal flood mitigation
27 standards:
28 \$ 2,100,000>
29 17. Page 31, line 18, after <agreement> by
30 inserting <executed on or before December 31, 2011>
31 18. Page 31, line 22, after <subsection 8,> by
32 inserting <for its facilities described in section
33 327F.2 governed by the written agreement>
34 19. Page 31, after line 23 by inserting:
35 <Sec. . RENEWABLE BIOMASS. It is the intent of
36 the general assembly that the Iowa power fund board
37 and the department of economic development use moneys
38 appropriated to the Iowa power fund and the department
39 of economic development to encourage projects utilizing
40 biomass made from renewable biomass to produce inputs
41 for agricultural purposes that replace products that
42 are produced using fossil fuels as the raw materials.
43 The projects shall include but not be limited to
44 products such as anhydrous ammonia.>
45 20. Page 31, after line 23 by inserting:
46 <Sec. . DEPARTMENT OF CULTURAL AFFAIRS. The
47 department of cultural affairs, in its capacity as the
48 state historic preservation officer and consulting
49 party for the purpose of satisfying the requirements of
50 the federal National Historic Preservation Act, shall

1 be no more restrictive than the federal agency for
2 which it is acting as such consulting party.>

3 21. Page 32, after line 14 by inserting:

4 <Sec. _____. PUBLIC LIBRARY SUPPORT LEVY — ELECTION
5 DATE.

6 1. Notwithstanding the election date required under
7 section 384.12, subsections 1 and 21, a city may submit
8 a proposition relating to a public library property
9 tax levy to the electorate on a date specified in
10 section 39.2, subsection 4, paragraph "b", if all of
11 the following conditions are met:

12 a. The city is located in whole or in part in an
13 area that the governor proclaimed a disaster emergency
14 or the president of the United States declared a major
15 disaster, as the result of a natural disaster occurring
16 during the period of time beginning May 1, 2008, and
17 ending August 1, 2008.

18 b. The city contains a public library that was
19 damaged by the natural disaster described in paragraph
20 "a".

21 2. An election under subsection 1 shall be held not
22 later than August 2, 2011.>

23 22. Page 32, after line 14 by inserting:

24 <Sec. _____. MH/MR/DD SERVICES FUND
25 TRANSFER. Notwithstanding section 331.424A,
26 subsection 5, and section 331.432, subsection 3, for
27 the fiscal year beginning July 1, 2010, and ending
28 June 30, 2011, a county may transfer moneys from other
29 funds of the county to the county's mental health,
30 mental retardation, and developmental disabilities
31 services fund created in section 331.424A. A county
32 transferring moneys from other funds of the county to
33 the county's services fund pursuant to this section
34 shall submit a report detailing the transfers made and
35 funds affected. The county shall submit the report
36 along with the county expenditure and information
37 report submitted by December 1, 2010, in accordance
38 with section 331.439.>

39 23. Page 32, after line 27 by inserting:

40 <Sec. _____. LIMITED LIABILITY COMPANIES — BIENNIAL
41 REPORTS.

42 1. The biennial report fee, as determined by
43 the secretary of state in accordance with section
44 490A.1320, subsection 1, received for reports filed
45 on or after July 1, 2006, shall be credited to the
46 general fund of the state. The biennial report fee
47 shall be due at the time the report is filed. On or
48 after July 1, 2006, such biennial reports shall be
49 due in even-numbered calendar years during the period
50 beginning January 1, and ending April 1, and shall

1 contain information relating to the two-year period
2 immediately preceding the calendar year in which the
3 report is filed.

4 2. a. This section, being deemed of immediate
5 importance, takes effect upon enactment and applies
6 retroactively to July 1, 2006.

7 b. A limited liability company that has not filed
8 the biennial report for 2008 or 2010 shall file such
9 report on or before June 30, 2010.>

10 24. Page 35, line 26, before <As> by inserting <1.>

11 25. Page 36, after line 15 by inserting:

12 <2. Parties who by agreement are utilizing a
13 cooperative alternative bargaining process shall, at
14 the outset of such process, agree upon a method and
15 schedule for the completion of impasse procedures
16 should they fail to reach a collective bargaining
17 agreement through the use of such alternative
18 bargaining process.>

19 26. Page 38, after line 11 by inserting:

20 <Sec. _____. Section 123.30, subsection 3, paragraph
21 e, subparagraph (1), Code Supplement 2009, is amended
22 to read as follows:

23 (1) A class "E" liquor control license may be
24 issued and shall authorize the holder to purchase
25 alcoholic liquor from the division only and high
26 alcoholic content beer from a class "AA" beer permittee
27 only and to sell the alcoholic liquor and high
28 alcoholic content beer to patrons for consumption
29 off the licensed premises and to other liquor control
30 licensees. A class "E" license shall not be issued
31 to premises at which gasoline is sold. A holder of
32 a class "E" liquor control license may hold other
33 retail liquor control licenses or retail wine or beer
34 permits, but the premises licensed under a class "E"
35 liquor control license shall be separate from other
36 licensed premises, though the separate premises may
37 have a common entrance. However, the holder of a class
38 "E" liquor control license may also hold a class "B"
39 wine or class "C" beer permit or both for the premises
40 licensed under a class "E" liquor control license.>

41 27. Page 38, by striking lines 12 through 28 and
42 inserting:

43 <Sec. _____. Section 155A.6A, subsection 3, Code
44 2009, is amended to read as follows:

45 3. a. Beginning ~~July 1, 2009~~ December 31, 2012,
46 a person who is in the process of acquiring national
47 certification as a pharmacy technician and who is
48 in training to become a pharmacy technician shall
49 register with the board as a pharmacy technician. The
50 registration shall be issued for a period not to exceed

1 one year and shall not be renewable.
2 b. A person who is registered as a pharmacy
3 technician or a pharmacy technician trainee prior
4 to January 1, 2010, who has worked as a pharmacy
5 technician or pharmacy technician trainee for a minimum
6 of two thousand hours in the previous eighteen months
7 under the direction of a licensed pharmacist shall
8 have until December 31, 2013, to attain certification
9 pursuant to this section. The supervising pharmacist
10 shall be responsible for verifying with the Iowa board
11 of pharmacy that any person affected by this paragraph
12 continues to have a minimum of two thousand hours of
13 supervised training in any eighteen-month period of
14 time between January 1, 2010, and December 31, 2013.>

15 28. Page 39, after line 18 by inserting:

16 <Sec. _____. Section 237.3, subsection 2, paragraph
17 f, Code Supplement 2009, is amended to read as follows:

18 f. Housing, health, safety, and medical care
19 policies for children receiving child foster care. The
20 medical care policies shall include but are not limited
21 to all of the following:

22 (1) Provision by the department to the foster care
23 provider at or before the time of a child's placement
24 of the child's health records and any other information
25 possessed or known about the health of the child or
26 about a member of the child's family that pertains to
27 the child's health.

28 (2) If the health records supplied in accordance
29 with the child's case permanency plan to the foster
30 care provider are incomplete or the provider requests
31 specific health information, provision for obtaining
32 additional health information from the child's
33 parent or other source and supplying the additional
34 information to the foster care provider.

35 (3) Provision for emergency health coverage of
36 the child while the child is engaged in temporary
37 out-of-state travel with the child's foster family.

38 Sec. _____. Section 237.3, subsection 2, paragraph
39 k, subparagraph (1), Code Supplement 2009, is amended
40 to read as follows:

41 (1) Receiving information prior to the child's
42 placement regarding risk factors concerning the child
43 that are known to the department, including but not
44 limited to notice if the child is required to register
45 under chapter 692A.>

46 29. By striking page 39, line 33, through page 40,
47 line 29.

48 30. Page 40, after line 29 by inserting:

49 <Sec. _____. Section 314.17, as amended by 2010 Iowa
50 Acts, House File 2458, if enacted, is amended by adding

1 the following new subsections:
2 NEW SUBSECTION. 7. Within fifty feet of a drainage
3 tile or tile intake.
4 NEW SUBSECTION. 8. For access to a mailbox or for
5 other accessibility purposes.
6 NEW SUBSECTION. 9. On rights-of-way adjacent to
7 agricultural demonstration or research plots.>
8 31. Page 40, after line 29 by inserting:
9 <Sec. _____. Section 321.18, Code Supplement 2009, is
10 amended by adding the following new subsection:
11 NEW SUBSECTION. 10. Any trailer that is used
12 exclusively for the transportation, display, and
13 distribution of flags honoring deceased veterans in
14 parades or ceremonies held on Memorial Day, Veterans
15 Day, or other patriotic occasions as authorized by
16 resolution of the local government of the community
17 where the parade or ceremony takes place. A trailer
18 exempt from registration under this subsection shall
19 only be used on city streets or secondary roads on the
20 day of a parade or ceremony specified in the local
21 government's resolution, and a copy of the resolution
22 shall be carried at all times in the vehicle pulling
23 the trailer.>
24 32. Page 40, after line 29 by inserting:
25 <Sec. _____. Section 321.463, subsection 5, paragraph
26 c, Code Supplement 2009, is amended to read as follows:
27 c. (1) The maximum gross weight allowed to be
28 carried on a livestock or construction commercial
29 motor vehicle, other than a special truck, on
30 noninterstate highways, provided the vehicle is
31 operated by a person with a commercial driver's license
32 valid for the vehicle operated unless section 321.176A
33 applies, is as follows:

34 NONINTERSTATE HIGHWAYS
35 MAXIMUM GROSS WEIGHT TABLE
36 ~~LIVESTOCK OR CONSTRUCTION~~COMMERCIAL MOTOR VEHICLE

37 Distance			
38 in feet	6 Axles	7 Axles	
39			
40 44	80,500	80,500	
41 45	81,000	81,500	
42 46	81,500	82,500	
43 47	82,000	83,500	
44 48	83,000	84,000	
45 49	83,500	85,000	
46 50	84,000	86,000	
47 51	84,500	87,000	
48 52	85,000	88,000	
49 53	86,000	88,500	
50 54	86,500	89,500	

1	55	87,000	90,500
2	56	87,500	91,500
3	57	88,000	92,000
4	58	89,000	93,000
5	59	89,500	94,000
6	60	90,000	95,000
7	61		95,500
8	62		96,000

9 (2) Notwithstanding any provision of this section
 10 to the contrary, the maximum gross weight allowed to
 11 be carried on a noninterstate highway by a livestock
 12 vehicle with five axles, a minimum distance in feet
 13 between the centers of the first and fifth axles of
 14 sixty-one feet, and a minimum distance between the
 15 two rear axles of at least eight feet and one inch is
 16 eighty-six thousand pounds.>

17 33. Page 40, after line 29 by inserting:

18 <Sec. _____. **NEW SECTION. 261D.4 Payment of dues.**

19 On an annual basis, the department of management
 20 shall apportion the dues assessed for membership in the
 21 midwestern higher education compact to various sectors
 22 of education including the department of education, the
 23 community college trustees, the Iowa association of
 24 independent colleges and universities, and the state
 25 board of regents. The apportionment shall be based on
 26 actual savings achieved in the previous fiscal year
 27 by each sector of education in a manner determined
 28 by the department of management. The department of
 29 management shall make payment on behalf of the state
 30 to the midwestern higher education compact commission
 31 and shall seek reimbursement from each sector of
 32 education based on the apportionment determined by the
 33 department.>

34 34. Page 40, after line 29 by inserting:

35 <Sec. _____. Section 321.482A, unnumbered paragraph
 36 1, Code 2009, is amended to read as follows:

37 Notwithstanding section 321.482, a person who is
 38 convicted of operating a motor vehicle in violation of
 39 section 321.256, 321.257, section 321.275, subsection
 40 4, section 321.297, 321.298, 321.299, 321.302, 321.303,
 41 321.304, 321.305, 321.306, 321.307, 321.308, section
 42 321.309, subsection 2, or section 321.311, 321.319,
 43 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
 44 321.324A, 321.327, 321.329, or 321.333 causing serious
 45 injury to or the death of another person may be subject
 46 to the following penalties in addition to the penalty
 47 provided for a scheduled violation in section 805.8A or
 48 any other penalty provided by law:>

49 35. Page 40, after line 29 by inserting:

50 <Sec. _____. Section 421.27, subsection 6, Code 2009,

1 is amended to read as follows:

2 6. *Improper receipt of refund or credit.* A person
3 who makes an erroneous application for refund or
4 credit shall be liable for any overpayment received
5 or tax liability reduced plus interest at the rate
6 in effect under section 421.7. In addition, a
7 person who willfully makes a false or frivolous
8 application for refund or credit with intent to evade
9 tax or with intent to receive a refund or credit
10 to which the person is not entitled is guilty of
11 a fraudulent practice and is liable for a penalty
12 equal to seventy-five percent of the refund or credit
13 being claimed. Repayments Payments, penalties, and
14 interest due under this subsection may be collected and
15 enforced in the same manner as the tax imposed.>

16 36. Page 40, after line 29 by inserting:

17 <Sec. _____. Section 421C.3, subsection 15, if
18 enacted by 2010 Iowa Acts, Senate File 2383, is amended
19 to read as follows:

20 15. a. The director of revenue shall establish an
21 account and shall deposit in the account all receipts
22 received under the program established by the state
23 debt coordinator. Not later than the fifteenth day of
24 each month, the director shall deposit amounts received
25 with the treasurer of state for deposit in the general
26 fund of the state.

27 b. Of the amount of debt actually collected
28 pursuant to the program, the department of revenue
29 shall retain an amount, not to exceed the amount
30 collected, that is sufficient to pay for salaries,
31 support, maintenance, services, advertising, and other
32 costs incurred by the coordinator relating to the
33 program. Revenues retained by the office pursuant to
34 this lettered paragraph shall be considered repayment
35 receipts as defined in section 8.2.>

36 37. Page 42, after line 5 by inserting:

37 <Sec. _____. Section 600C.1, Code 2009, is amended by
38 striking the section and inserting in lieu thereof the
39 following:

40 **600C.1 Grandparent and great-grandparent visitation.**

41 1. The grandparent or great-grandparent of a
42 minor child may petition the court for grandchild or
43 great-grandchild visitation when the parent of the
44 minor child, who is the child of the grandparent or the
45 grandchild of the great-grandparent, is deceased.

46 2. The court shall consider a fit parent's
47 objections to granting visitation under this section.
48 A rebuttable presumption arises that a fit parent's
49 decision to deny visitation to a grandparent or
50 great-grandparent is in the best interest of a minor

1 child.

2 3. The court may grant visitation to the
3 grandparent or great-grandparent under this section
4 if the court finds all of the following by clear and
5 convincing evidence:

6 a. It is in the best interest of the child to grant
7 such visitation.

8 b. The grandparent or great-grandparent has
9 established a substantial relationship with the child
10 prior to the filing of the petition.

11 c. That the presumption that the parent who is
12 being asked to temporarily relinquish care, custody,
13 and control of the child to provide visitation is fit
14 to make the decision regarding visitation is overcome
15 by demonstrating one of the following:

16 (1) The parent is unfit to make such decision.

17 (2) The parent's judgment has been impaired and the
18 relative benefit to the child of granting visitation
19 greatly outweighs any effect on the parent-child
20 relationship. Impaired judgment of a parent may be
21 evidenced by any of, but not limited to, the following:

22 (a) Neglect of the child.

23 (b) Abuse of the child.

24 (c) Violence toward the child.

25 (d) Indifference or absence of feeling toward the
26 child.

27 (e) Demonstrated unwillingness and inability to
28 promote the emotional and physical well-being of the
29 child.

30 (f) Drug abuse.

31 (g) A diagnosis of mental illness.

32 4. In determining the best interest of the child,
33 the court shall consider all of the following:

34 a. The prior interaction and interrelationships of
35 the child with the child's parents, siblings, and other
36 persons related by consanguinity or affinity, compared
37 to the child's relationship with the grandparent or
38 great-grandparent.

39 b. The geographical location of the grandparent's
40 or great-grandparent's residence and the distance
41 between the grandparent's or great-grandparent's
42 residence and the child's residence.

43 c. The child's and parent's available time,
44 including but not limited to the parent's employment
45 schedule, the child's school schedule, the amount of
46 time that will be available for the child to spend with
47 siblings, and the child's and the parent's holiday and
48 vacation schedules.

49 d. The age of the child.

50 e. If the court has interviewed the child in

1 chambers as provided in this section regarding the
2 wishes and concerns of the child as to visitation
3 by the grandparent or great-grandparent or as to a
4 specific visitation schedule, the wishes and concerns
5 of the child, as expressed to the court.
6 *f.* The health and safety of the child.
7 *g.* The mental and physical health of all parties.
8 *h.* Whether the grandparent or great-grandparent
9 previously has been convicted of or pleaded guilty to
10 any criminal offense involving any act that resulted
11 in a child being an abused child or a neglected child;
12 whether the grandparent or great-grandparent previously
13 has been convicted of or pleaded guilty to a crime
14 involving a victim who at the time of the commission
15 of the offense was a member of the family or household
16 that is the subject of the current proceeding; and
17 whether there is reason to believe that the grandparent
18 or great-grandparent has acted in a manner resulting in
19 a child having ever been found to be an abused child
20 or a neglected child.
21 *i.* The wishes and concerns of the child's parent,
22 as expressed by the parent to the court.
23 *j.* Any other factor in the best interest of the
24 child.
25 5. For the purposes of this subsection "substantial
26 relationship" includes but is not limited to any of the
27 following:
28 *a.* The child has lived with the grandparent or
29 great-grandparent for at least six months.
30 *b.* The grandparent or great-grandparent has
31 voluntarily and in good faith supported the child
32 financially in whole or in part for a period of not
33 less than six months.
34 *c.* The grandparent or great-grandparent has had
35 frequent visitation including occasional overnight
36 visitation with the child for a period of not less than
37 one year.
38 6. If the court interviews any child concerning
39 the child's wishes and concerns regarding parenting
40 time or visitation, the interview shall be conducted
41 in chambers, and only the child, the child's attorney,
42 the judge, any necessary court personnel, and, in the
43 judge's discretion, the attorney of the parent shall
44 be permitted to be present in the chambers during the
45 interview. A person shall not obtain or attempt to
46 obtain from a child a written or recorded statement or
47 affidavit setting forth the wishes and concerns of the
48 child regarding parenting time or visitation.
49 7. For the purposes of this section, "court" means
50 the district court or the juvenile court if that court

1 currently has jurisdiction over the child in a pending
2 action. If an action is not pending, the district
3 court has jurisdiction.

4 8. Notwithstanding any provision of this chapter
5 to the contrary, venue for any action to establish,
6 enforce, or modify visitation under this section shall
7 be in the county where the child resides if no final
8 custody order determination relating to the grandchild
9 or great-grandchild has been entered by any other
10 court. If a final custody order has been entered by
11 any other court, venue shall be located exclusively in
12 the county where the most recent final custody order
13 was entered. If any other custodial proceeding is
14 pending when an action to establish, enforce, or modify
15 visitation under this section is filed, venue shall be
16 located exclusively in the county where the pending
17 custodial proceeding was filed.

18 9. Notice of any proceeding to establish, enforce,
19 or modify visitation under this section shall be
20 personally served upon the parent of the child
21 whose interests are affected by a proceeding brought
22 pursuant to this section and all grandparents or
23 great-grandparents who have previously obtained a final
24 order or commenced a proceeding under this section.

25 10. The court shall not enter any temporary order
26 to establish, enforce, or modify visitation under this
27 section.

28 11. An action brought under this section is subject
29 to chapter 598B, and in an action brought to establish,
30 enforce, or modify visitation under this section,
31 each party shall submit in its first pleading or in an
32 attached affidavit all information required by section
33 598B.209.

34 12. A grandparent or great-grandparent shall not
35 petition for visitation under this section more than
36 once every two years absent a showing of good cause.

37 13. The court shall not issue an order restricting
38 the movement of the child if such restriction is
39 solely for the purpose of allowing the grandparent
40 or great-grandparent the opportunity to exercise the
41 grandparent's or great-grandparent's visitation under
42 this section.>

43 38. Page 42, after line 5 by inserting:

44 <Sec. _____. **NEW SECTION. 514C.26 Autism spectrum**
45 **disorders coverage.**

46 1. Notwithstanding the uniformity of treatment
47 requirements of section 514C.6, a group plan
48 established pursuant to chapter 509A for employees
49 of the state providing for third-party payment or
50 prepayment of health, medical, and surgical coverage

1 benefits shall provide coverage benefits to covered
2 individuals under twenty-one years of age for the
3 diagnostic assessment of autism spectrum disorders and
4 for the treatment of autism spectrum disorders.

5 2. As used in this section, unless the context
6 otherwise requires:

7 a. "*Applied behavioral analysis*" means the design,
8 implementation, and evaluation of environmental
9 modifications, using behavioral stimuli and
10 consequences, to produce socially significant
11 improvement in human behavior or to prevent loss of
12 attained skill or function, including the use of direct
13 observation, measurement, and functional analysis of
14 the relations between environment and behavior.

15 b. "*Autism service provider*" means a person, or
16 group providing treatment of autism spectrum disorders.
17 An autism service provider that provides treatment
18 of autism spectrum disorders that includes applied
19 behavioral analysis shall be certified as a behavior
20 analyst by the behavior analyst certification board or
21 shall be a health professional licensed under chapter
22 147.

23 c. "*Autism spectrum disorders*" means any of
24 the pervasive developmental disorders including
25 autistic disorder, Asperger's disorder, and pervasive
26 developmental disorders not otherwise specified. The
27 commissioner, by rule, shall define "*autism spectrum*
28 *disorders*" consistent with definitions provided in
29 the most recent edition of the American psychiatric
30 association's diagnostic and statistical manual of
31 mental disorders, as such definitions may be amended
32 from time to time. The commissioner may adopt the
33 definitions provided in such manual by reference.

34 d. "*Diagnostic assessment of autism spectrum*
35 *disorders*" means medically necessary assessment,
36 evaluations, or tests performed by a licensed
37 physician, licensed physician assistant, licensed
38 psychologist, or licensed registered nurse practitioner
39 to diagnose whether an individual has an autism
40 spectrum disorder.

41 e. "*Pharmacy care*" means medications prescribed by
42 a licensed physician, licensed physician assistant,
43 or licensed registered nurse practitioner and any
44 assessment, evaluation, or test prescribed or ordered
45 by a licensed physician, licensed physician assistant,
46 or licensed registered nurse practitioner to determine
47 the need for or effectiveness of such medications.

48 f. "*Psychiatric care*" means direct or consultative
49 services provided by a licensed physician who
50 specializes in psychiatry.

1 *g. "Psychological care"* means direct or consultative
2 services provided by a licensed psychologist.
3 *h. "Rehabilitative care"* means professional services
4 and treatment programs, including applied behavioral
5 analysis, provided by an autism service provider to
6 produce socially significant improvement in human
7 behavior or to prevent loss of attained skill or
8 function.
9 *i. "Therapeutic care"* means services provided by
10 a licensed speech pathologist, licensed occupational
11 therapist, or licensed physical therapist.
12 *j. "Treatment of autism spectrum disorders"* means
13 treatment that is identified in a treatment plan and
14 includes medically necessary pharmacy care, psychiatric
15 care, psychological care, rehabilitative care, and
16 therapeutic care that is one of the following:
17 (1) Prescribed, ordered, or provided by a licensed
18 physician, licensed physician assistant, licensed
19 psychologist, licensed social worker, or licensed
20 registered nurse practitioner.
21 (2) Provided by an autism service provider.
22 (3) Provided by a person, entity, or group that
23 works under the direction of an autism service
24 provider.
25 *k. "Treatment plan"* means a plan for the treatment
26 of autism spectrum disorders developed by a licensed
27 physician or licensed psychologist pursuant to a
28 comprehensive evaluation or reevaluation performed
29 in consultation with the patient and the patient's
30 representative.
31 3. Coverage is required pursuant to this section in
32 a maximum benefit amount of not more than thirty-six
33 thousand dollars per year but shall not be subject
34 to any limits on the number of visits to an autism
35 service provider for treatment of autism spectrum
36 disorders. Beginning in 2014, the commissioner
37 shall, on or before April 1 of each calendar year,
38 publish an adjustment to the maximum benefit required
39 equal to the percentage change in the United States
40 department of labor consumer price index for all urban
41 consumers in the preceding year, and the published
42 adjusted maximum benefit shall be applicable to group
43 policies, contracts, or plans subject to this section
44 that are issued or renewed on or after January 1 of
45 the following calendar year. Payments made under a
46 group plan subject to this section on behalf of a
47 covered individual for treatment of a health condition
48 unrelated to or distinguishable from the individual's
49 autism spectrum disorder shall not be applied toward
50 any maximum benefit established under this subsection.

1 4. Coverage required pursuant to this section shall
2 be subject to copayment, deductible, and coinsurance
3 provisions, and any other general exclusions or
4 limitations of a group plan to the same extent as other
5 medical or surgical services covered by the group plan.

6 5. Coverage required by this section shall be
7 provided in coordination with coverage required for the
8 treatment of autistic disorders pursuant to section
9 514C.22.

10 6. This section shall not be construed to limit
11 benefits which are otherwise available to an individual
12 under a group plan.

13 7. This section shall not be construed to require
14 coverage by a group plan of any service solely based on
15 inclusion of the service in an individualized education
16 program. Consistent with federal or state law and
17 upon consent of the parent or guardian of a covered
18 individual, the treatment of autism spectrum disorders
19 may be coordinated with any services included in an
20 individualized education program. However, coverage
21 for the treatment of autism spectrum disorders shall
22 not be contingent upon coordination of services with an
23 individualized education program.

24 8. This section shall not apply to accident-only,
25 specified disease, short-term hospital or medical,
26 hospital confinement indemnity, credit, dental, vision,
27 Medicare supplement, long-term care, basic hospital
28 and medical-surgical expense coverage as defined
29 by the commissioner, disability income insurance
30 coverage, coverage issued as a supplement to liability
31 insurance, workers' compensation or similar insurance,
32 or automobile medical payment insurance, or individual
33 accident and sickness policies issued to individuals or
34 to individual members of a member association.

35 9. A plan established pursuant to chapter 509A for
36 employees of the state may manage the benefits provided
37 through common methods including but not limited to
38 providing payment of benefits or providing care and
39 treatment under a capitated payment system, prospective
40 reimbursement rate system, utilization control system,
41 incentive system for the use of least restrictive and
42 costly levels of care, a preferred provider contract
43 limiting choice of specific providers, or any other
44 system, method, or organization designed to assure
45 services are medically necessary and clinically
46 appropriate.

47 10. An insurer may review a treatment plan for
48 treatment of autism spectrum disorders once every six
49 months, subject to its utilization review requirements,
50 including case management, concurrent review, and

1 other managed care provisions. A more or less frequent
2 review may be agreed upon by the insured and the
3 licensed physician or licensed psychologist developing
4 the treatment plan.

5 11. For the purposes of this section, the results
6 of a diagnostic assessment of autism spectrum disorder
7 shall be valid for a period of not less than twelve
8 months, unless a licensed physician or licensed
9 psychologist determines that a more frequent assessment
10 is necessary.

11 12. The commissioner shall adopt rules pursuant to
12 chapter 17A to implement and administer this section.

13 13. This section applies to plans established
14 pursuant to chapter 509A for employees of the state
15 that are delivered, issued for delivery, continued, or
16 renewed in this state on or after January 1, 2011.>

17 39. Page 42, after line 20 by inserting:

18 <Sec. _____. 2010 Iowa Acts, House File 2526, section
19 11, subsection 24, paragraph b, relating to the medical
20 assistance waiver for the Iowa family planning network,
21 if enacted, is amended to read as follows:

22 b. Implementation of this subsection is contingent
23 upon approval of the medical assistance waiver for
24 the Iowa family planning network by the centers for
25 Medicare and Medicaid services of the United States
26 department of health and human services ~~and upon~~
27 ~~availability of funding as determined by the director~~
28 ~~of the department of human services.~~>

29 40. Page 42, after line 20 by inserting:

30 <Sec. _____. 2010 Iowa Acts, Senate File 2378,
31 section 15, if enacted, is amended to read as follows:

32 SEC. 15. GAMING ENFORCEMENT. There is appropriated
33 from the gaming enforcement revolving fund created in
34 section 80.43 to the department of public safety for
35 the fiscal year beginning July 1, 2010, and ending June
36 30, 2011, the following amount, or so much thereof as
37 is necessary, to be used for the purposes designated:

38 For any direct and indirect support costs for
39 agents and officers of the division of criminal
40 investigation's excursion gambling boat, gambling
41 structure, and racetrack enclosure enforcement
42 activities, including salaries, support, maintenance,
43 miscellaneous purposes, and for not more than the
44 following full-time equivalent positions:
45 \$ 8,851,775
46 9,315,306
47 FTEs 115.00

48 However, for each additional license to conduct
49 gambling games on an excursion gambling boat, gambling
50 structure, or racetrack enclosure issued during the

1 period beginning July 1, 2009, through June 30, 2011,
2 there is appropriated from the gaming enforcement fund
3 to the department of public safety for the fiscal year
4 beginning July 1, 2010, and ending June 30, 2011, an
5 additional amount of not more than \$521,000 to be used
6 for not more than 6.00 additional full-time equivalent
7 positions.>

8 41. Page 42, after line 20 by inserting:
9 <Sec. _____. REPEAL. 2010 Iowa Acts, House File
10 2525, section 6, is repealed.>

11 42. Page 42, after line 25 by inserting:
12 <Sec. _____. EFFECTIVE UPON ENACTMENT. This
13 provision of this division of this Act amending section
14 155A.6A, being deemed of immediate importance, takes
15 effect upon enactment.>

16 43. Page 42, after line 25 by inserting:
17 <Sec. _____. EFFECTIVE UPON ENACTMENT. The provision
18 of this division of this Act appropriating moneys from
19 the general fund of the state to the department of
20 management and to the department of revenue for fiscal
21 year 2009-2010, being deemed of immediate importance,
22 takes effect upon enactment.>

23 44. Page 42, after line 25 by inserting:
24 <Sec. _____. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
25 APPLICABILITY. The provision of this division of this
26 Act amending section 123.30, subsection 3, paragraph
27 "e", subparagraph (1), being deemed of immediate
28 importance, takes effect upon enactment, and is
29 retroactively applicable to March 10, 2010.>

30 45. Page 42, after line 25 by inserting:
31 <Sec. _____. EFFECTIVE DATE. The provision of this
32 division of this Act amending section 421.3, if enacted
33 by 2010 Iowa Acts, Senate File 2383, takes effect on
34 the effective date of section 421C.3.>

35 46. Page 42, after line 25 by inserting:
36 <Sec. _____. EFFECTIVE UPON ENACTMENT. The
37 provision of this division of this Act relating to the
38 instructional support income surtax, being deemed of
39 immediate importance, takes effect upon enactment.>

40 47. By striking page 43, line 8, through page 44,
41 line 28.

42 48. Page 45, line 1, after <of Iowa,> by inserting
43 <the Iowa renewable fuels association,>

44 49. Page 46, after line 5 by inserting:
45 <DIVISION ____
46 PUBLIC SAFETY ADVISORY BOARD
47 Sec. _____. DEPARTMENT OF HUMAN RIGHTS — DIVISION
48 OF CRIMINAL AND JUVENILE JUSTICE PLANNING. There is
49 appropriated from the Iowa comprehensive petroleum
50 underground storage tank fund established in section

1 455G.3 to the department of human rights for the
2 fiscal year beginning July 1, 2010, and ending June
3 30, 2011, the following amount, or so much thereof as
4 is necessary, to be used for the purposes designated,
5 notwithstanding section 455G.3, subsection 1:
6 For the division of criminal and juvenile justice
7 planning, including salaries, support, maintenance,
8 miscellaneous purposes, and for not more than the
9 following full-time equivalent positions for the public
10 safety advisory board established in section 216A.133A:
11 \$ 140,000
12 FTEs 2.00
13 Sec. _____. Section 216A.131, Code 2009, is amended
14 by adding the following new subsection:
15 NEW SUBSECTION. 1A. "Board" means the public
16 safety advisory board.
17 Sec. _____. Section 216A.132, Code 2009, is amended
18 to read as follows:
19 **216A.132 Council established — terms —**
20 **compensation.**
21 1. A criminal and juvenile justice planning
22 advisory council is established consisting of
23 twenty-three members.
24 a. The governor shall appoint seven members each
25 for a four-year term beginning and ending as provided
26 in section 69.19 and subject to confirmation by the
27 senate as follows:
28 (1) Three persons, each of whom is a county
29 supervisor, county sheriff, mayor, ~~city chief of~~
30 ~~police, or county attorney nonsupervisory police~~
31 officer, or a chief of police of a department with less
32 than eleven police officers.
33 ~~(2) Two persons who represent the general public~~
34 ~~and are not employed in any law enforcement, judicial,~~
35 ~~or corrections capacity.~~
36 ~~(3) (2) Two persons who are knowledgeable about~~
37 ~~Iowa's juvenile justice system.~~
38 (3) One person who represents the general public
39 and is not employed in any law enforcement, judicial,
40 or corrections capacity.
41 (4) One person who is either a crime victim, or who
42 represents a crime victim organization.
43 b. The departments of human services, corrections,
44 and public safety, the division on the status of
45 African-Americans, the Iowa department of public
46 health, the chairperson of the board of parole, the
47 attorney general, the state public defender, and the
48 governor's office of drug control policy, ~~and the chief~~
49 ~~justice of the supreme court~~ shall each designate a
50 person to serve on the council. ~~The person appointed~~

1 by the Iowa department of public health shall be from
2 the departmental staff who administer the comprehensive
3 substance abuse program under chapter 125.

4 c. The chief justice of the supreme court shall
5 ~~appoint two additional members currently serving~~
6 ~~as district judges designate one member who is a~~
7 ~~district judge and one member who is either a district~~
8 ~~associate judge or associate juvenile judge. Two~~
9 ~~members of the senate and two members of the house of~~
10 ~~representatives shall be ex officio members and shall~~
11 ~~be appointed by the majority and minority leaders~~
12 ~~of the senate and the speaker and minority leader~~
13 ~~of the house of representatives pursuant to section~~
14 ~~69.16 and shall serve terms as provided in section~~
15 ~~69.16B. The chairperson and ranking member of the~~
16 ~~senate committee on judiciary shall be members. In~~
17 ~~alternating four-year intervals, the chairperson and~~
18 ~~ranking member of the house committee on judiciary~~
19 ~~or of the house committee on public safety shall be~~
20 ~~members, with the chairperson and ranking member of the~~
21 ~~house committee on public safety serving during the~~
22 ~~initial interval. Nonlegislative members appointed~~
23 ~~pursuant to this paragraph shall serve for four-year~~
24 ~~terms beginning and ending as provided in section 69.19~~
25 ~~unless the member ceases to serve as a district court~~
26 ~~judge.~~

27 d. The Iowa county attorneys association shall
28 designate a person to serve on the council.

29 2. Members of the council shall receive
30 reimbursement from the state for actual and necessary
31 expenses incurred in the performance of their official
32 duties. Members may also be eligible to receive
33 compensation as provided in section 7E.6.

34 Sec. _____. Section 216A.133, subsection 1, Code
35 2009, is amended to read as follows:

36 1. Identify issues and analyze the operation and
37 impact of present criminal and juvenile justice policy
38 and make recommendations for policy changes, ~~including~~
39 ~~recommendations pertaining to efforts to curtail~~
40 ~~criminal gang activity.~~

41 Sec. _____. Section 216A.133, Code 2009, is amended
42 by adding the following new subsections:

43 NEW SUBSECTION. 8. Determine members of the public
44 safety advisory board pursuant to section 216A.133A.

45 NEW SUBSECTION. 9. Coordinate with the
46 administrator to develop and make recommendations to
47 the department director pursuant to section 216A.2.

48 NEW SUBSECTION. 10. Serve as a liaison between the
49 general public and the division.

50 NEW SUBSECTION. 11. Establish advisory committees

1 to study special issues.
2 Sec. _____. NEW SECTION. 216A.133A Public safety
3 advisory board
4 — duties.
5 1. A public safety advisory board is established
6 whose membership shall be determined by the criminal
7 and juvenile justice planning advisory council and
8 shall consist of current members of the council. Any
9 actions taken by the board shall be considered separate
10 and distinct from the council.
11 2. The purpose of the board is to provide the
12 general assembly with an analysis of current and
13 proposed criminal code provisions.
14 3. The duties of the board shall consist of the
15 following:
16 a. Reviewing and making recommendations relating
17 to current sentencing provisions. In reviewing such
18 provisions the board shall consider the impact on all
19 of the following:
20 (1) Potential disparity in sentencing.
21 (2) Truth in sentencing.
22 (3) Victims.
23 (4) The proportionality of specific sentences.
24 (5) Sentencing procedures.
25 (6) Costs associated with the implementation
26 of criminal code provisions, including costs to
27 the judicial branch, department of corrections, and
28 judicial district departments of correctional services,
29 costs for representing indigent defendants, and costs
30 incurred by political subdivisions of the state.
31 (7) Best practices related to the department of
32 corrections including recidivism rates, safety and
33 efficient use of correctional staff, and compliance
34 with correctional standards set by the federal
35 government and other jurisdictions.
36 (8) Best practices related to the Iowa child death
37 review team established in section 135.43 and the Iowa
38 domestic abuse death review team established in section
39 135.109.
40 b. Reviewing and making recommendations relating to
41 proposed legislation, in accordance with paragraph "a",
42 as set by rule by the general assembly or as requested
43 by the executive or judicial branch proposing such
44 legislation.
45 c. Providing expertise and advice to the
46 legislative services agency, the department of
47 corrections, the judicial branch, and others charged
48 with formulating fiscal, correctional, or minority
49 impact statements.
50 d. Reviewing data supplied by the division, the

1 department of management, the legislative services
2 agency, the Iowa supreme court, and other departments
3 or agencies for the purpose of determining the
4 effectiveness and efficiency of the collection of such
5 data.

6 4. The board may call upon any department, agency,
7 or office of the state, or any political subdivision
8 of the state, for information or assistance as needed
9 in the performance of its duties. The information or
10 assistance shall be furnished to the extent that it is
11 within the resources and authority of the department,
12 agency, office, or political subdivision. This section
13 does not require the production or opening of any
14 records which are required by law to be kept private
15 or confidential.

16 5. The board shall report to the legislative
17 government oversight committee all sources of funding
18 by December 1 of each year.

19 6. Membership on the board shall be bipartisan
20 as provided in section 69.16 and gender balanced as
21 provided in section 69.16A.

22 7. Meetings of the board shall be open to the
23 public as provided in chapter 21.

24 8. Members of the board shall receive reimbursement
25 from the state for actual and necessary expenses
26 incurred in the performance of their official duties.
27 Members may also be eligible to receive compensation as
28 provided in section 7E.6.

29 Sec. _____. Section 216A.135, unnumbered paragraph 1,
30 Code 2009, is amended to read as follows:

31 Beginning in 1989, and every five years thereafter,
32 the division shall develop a twenty-year criminal
33 and juvenile justice plan for the state which shall
34 include ten-year, fifteen-year, and twenty-year
35 goals and a comprehensive five-year plan for criminal
36 and juvenile justice programs. The five-year plan
37 shall be updated annually and each twenty-year plan
38 and annual updates of the five-year plan shall be
39 submitted to the governor and the general assembly by
40 ~~February~~ December 1.

41 Sec. _____. APPOINTMENTS TO CRIMINAL AND JUVENILE
42 JUSTICE PLANNING ADVISORY COUNCIL. The applicable
43 provisions of chapter 69 shall apply to vacant
44 positions on the criminal and juvenile justice planning
45 advisory council occurring on or after July 1, 2010.>

46 50. Page 46, after line 5 by inserting:

47 <DIVISION _____
48 IOWA PUBLIC INFORMATION BOARD

49 <Sec. _____. Section 21.6, subsection 3, paragraph d,
50 Code 2009, is amended to read as follows:

1 d. Shall issue an order removing a member of a
2 governmental body from office if that member has
3 engaged in a prior violation of this chapter for which
4 damages were assessed against the member during the
5 member's term. In making this determination, the court
6 shall recognize violations for which damages were
7 assessed by the Iowa public information board created
8 in section 23.3.

9 Sec. _____. Section 22.10, subsection 3, paragraph d,
10 Code 2009, is amended to read as follows:

11 d. Shall issue an order removing a person from
12 office if that person has engaged in a prior violation
13 of this chapter for which damages were assessed against
14 the person during the person's term. In making this
15 determination, the court shall recognize violations
16 for which damages were assessed by the Iowa public
17 information board created in section 23.3.

18 Sec. _____. **NEW SECTION. 23.1 Citation and purpose.**

19 This chapter may be cited as the "*Iowa Public*
20 *Information Board Act*". The purpose of this chapter
21 is to provide an alternative means by which to secure
22 compliance with and enforcement of the requirements of
23 chapters 21 and 22 through the provision by the Iowa
24 public information board to all interested parties of
25 an efficient, informal, and cost-effective process for
26 resolving disputes.

27 Sec. _____. **NEW SECTION. 23.2 Definitions.**

28 1. "*Board*" means the Iowa public information board
29 created in section 23.3.

30 2. "*Complainant*" means a person who files a
31 complaint with the board.

32 3. "*Complaint*" means a written and signed document
33 filed with the board alleging a violation of chapter
34 21 or 22.

35 4. "*Custodian*" means a government body, government
36 official, or government employee designated as the
37 lawful custodian of a government record pursuant to
38 section 22.1.

39 5. "*Government body*" means the same as defined in
40 section 22.1.

41 6. "*Person*" means an individual, partnership,
42 association, corporation, legal representative,
43 trustee, receiver, custodian, government body, or
44 official, employee, agency, or political subdivision of
45 this state.

46 7. "*Respondent*" means any agency or other unit
47 of state or local government, custodian, government
48 official, or government employee who is the subject of
49 a complaint.

50 Sec. _____. **NEW SECTION. 23.3 Board appointed.**

1 1. An Iowa public information board is created
2 consisting of five members appointed by the governor,
3 subject to confirmation by the senate. Membership
4 shall be balanced as to political affiliation as
5 provided in section 69.16 and gender as provided in
6 section 69.16A. Members appointed to the board shall
7 serve staggered, four-year terms, beginning and ending
8 as provided by section 69.19. A quorum shall consist
9 of three members.

10 2. A vacancy on the board shall be filled by the
11 governor by appointment for the unexpired part of the
12 term. A board member may be removed from office by the
13 governor for good cause. The board shall select one
14 of its members to serve as chair and shall employ a
15 director who shall serve as the executive officer of
16 the board.

17 Sec. _____. NEW SECTION. 23.4 Compensation and
18 expenses.

19 Board members shall be paid a per diem as specified
20 in section 7E.6 and shall be reimbursed for actual and
21 necessary expenses incurred while on official board
22 business. Per diem and expenses shall be paid from
23 funds appropriated to the board.

24 Sec. _____. NEW SECTION. 23.5 Election of remedies.

25 1. An aggrieved person, any taxpayer to or citizen
26 of this state, the attorney general, or any county
27 attorney may seek enforcement of the requirements of
28 chapters 21 and 22 by electing either to file an action
29 pursuant to section 17A.19, 21.6, or 22.10, whichever
30 is applicable, or in the alternative, to file a timely
31 complaint with the board.

32 2. If more than one person seeks enforcement of
33 chapter 21 or 22 with respect to the same incident
34 involving an alleged violation, and one or more of
35 such persons elects to do so by filing an action under
36 section 17A.19, 21.6, or 22.10 and one or more of such
37 persons elects to do so by filing a timely complaint
38 with the board, the court in which the action was filed
39 shall dismiss the action without prejudice, authorizing
40 the complainant to file a complaint with respect to
41 the same incident with the board without regard to the
42 timeliness of the filing of the complaint at the time
43 the action in court is dismissed.

44 3. If a person files an action pursuant to section
45 22.8 seeking to enjoin the inspection of a public
46 record, the respondent or person requesting access to
47 the record which is the subject of the request for
48 injunction may remove the proceeding to the board for
49 its determination by filing, within thirty days of the
50 commencement of the judicial proceeding, a complaint

1 with the board alleging a violation of chapter 22 in
2 regard to the same matter.

3 Sec. _____. NEW SECTION. 23.6 Board powers and
4 duties.

5 The board shall have all of the following powers and
6 duties:

7 1. Employ such employees as are necessary to
8 execute its authority, including administrative law
9 judges, and attorneys to prosecute respondents in
10 proceedings before the board and to represent the board
11 in proceedings before a court. Notwithstanding section
12 8A.412, all of the board's employees, except for the
13 executive director and attorneys, shall be employed
14 subject to the merit system provisions of chapter 8A,
15 subchapter IV.

16 2. Adopt rules with the force of law pursuant to
17 chapter 17A calculated to implement, enforce, and
18 interpret the requirements of chapters 21 and 22 and to
19 implement any authority delegated to the board by this
20 chapter.

21 3. Issue, consistent with the requirements of
22 section 17A.9, declaratory orders with the force of law
23 determining the applicability of chapter 21 or 22 to
24 specified fact situations and issue informal advice to
25 any person concerning the applicability of chapters 21
26 and 22.

27 4. Receive complaints alleging violations of
28 chapter 21 or 22, seek resolution of such complaints
29 through informal assistance or through mediation and
30 settlement, formally investigate such complaints,
31 decide after such an investigation whether there is
32 probable cause to believe a violation of chapter 21
33 or 22 has occurred, and if probable cause has been
34 found prosecute the respondent before the board in a
35 contested case proceeding conducted according to the
36 provisions of chapter 17A.

37 5. Request and receive from a government body
38 assistance and information as necessary in the
39 performance of its duties. The board may examine
40 a record of a government body that is the subject
41 matter of a complaint, including any record that is
42 confidential by law. Confidential records provided
43 to the board by a governmental body shall continue
44 to maintain their confidential status. Any member or
45 employee of the board is subject to the same policies
46 and penalties regarding the confidentiality of the
47 document as an employee of the government body.

48 6. Issue subpoenas enforceable in court for the
49 purpose of investigating complaints and to facilitate
50 the prosecution and conduct of contested cases before

1 the board.

2 7. After appropriate board proceedings, issue
3 orders with the force of law, determining whether there
4 has been a violation of chapter 21 or 22, requiring
5 compliance with specified provisions of those chapters,
6 imposing civil penalties equivalent to and to the same
7 extent as those provided for in section 21.6 or 22.10,
8 as applicable, on a respondent who has been found in
9 violation of chapter 21 or 22, and imposing any other
10 appropriate remedies calculated to declare, terminate,
11 or remediate any violation of those chapters.

12 8. Represent itself in judicial proceedings
13 to enforce or defend its orders and rules through
14 attorneys on its own staff, through the office of the
15 attorney general, or through other attorneys retained
16 by the board, at its option.

17 9. Make training opportunities available to lawful
18 custodians, government bodies, and other persons
19 subject to the requirements of chapters 21 and 22 and
20 require, in its discretion, appropriate persons who
21 have responsibilities in relation to chapters 21 and 22
22 to receive periodic training approved by the board.

23 10. Disseminate information calculated to inform
24 members of the public about the public's right to
25 access government information in this state including
26 procedures to facilitate this access and including
27 information relating to the obligations of government
28 bodies under chapter 21 and lawful custodians under
29 chapter 22 and other laws dealing with this subject.

30 11. Prepare and transmit to the governor and to the
31 general assembly, at least annually, reports describing
32 complaints received, board proceedings, investigations,
33 hearings conducted, decisions rendered, and other work
34 performed by the board.

35 12. Make recommendations to the governor and the
36 general assembly by proposing legislation relating
37 to issues involving public access to meetings of a
38 governmental body and to records of a government body
39 including but not limited to recommendations relating
40 to the following issues:

- 41 a. The categorization of government records.
- 42 b. Public employment applications.
- 43 c. Information unduly invading personal privacy
44 including personal information on mailing lists and
45 opt-in provisions relating to such lists and personal
46 information in confidential personnel records of a
47 government body.
- 48 d. Tentative, preliminary, or draft material.
- 49 e. Serial meetings of less than a majority of a
50 governmental body.

1 f. Definitions of what constitutes a governmental
2 body for purposes of chapter 21 and what constitutes a
3 government body for purposes of chapter 22.

4 13. Aid the general assembly in evaluating the
5 impact of legislation affecting public access to
6 government information.

7 14. Conduct public hearings, conferences,
8 workshops, and other meetings as necessary to address
9 problems and suggest solutions concerning access to
10 government information and proceedings.

11 15. Review the collection, maintenance, and use of
12 government records by lawful custodians to ensure that
13 confidential records and information are handled to
14 adequately protect personal privacy interests.

15 Sec. _____. NEW SECTION. 23.7 Filing of complaints
16 with the board.

17 1. The board shall adopt rules with the force
18 of law and pursuant to chapter 17A providing for the
19 timing, form, content, and means by which any aggrieved
20 person, any taxpayer to or citizen of this state,
21 the attorney general, or any county attorney may file
22 a complaint with the board alleging a violation of
23 chapter 21 or 22. The complaint must be filed within
24 sixty days from the time the alleged violation occurred
25 or the complainant could have become aware of the
26 violation with reasonable diligence. All complaints
27 filed with the board shall be public records.

28 2. All board proceedings in response to the filing
29 of a complaint shall be conducted as expeditiously as
30 possible.

31 3. The board shall not charge a complainant any
32 fee in relation to the filing of a complaint, the
33 processing of a complaint, or any board proceeding or
34 judicial proceeding resulting from the filing of a
35 complaint.

36 Sec. _____. NEW SECTION. 23.8 Initial processing of
37 complaint.

38 Upon receipt of a complaint alleging a violation
39 of chapter 21 or 22, the board shall do either of the
40 following:

41 1. Determine that, on its face, the complaint
42 is within the board's jurisdiction, appears legally
43 sufficient, and could have merit. In such a case the
44 board shall accept the complaint, and shall notify the
45 parties of that fact in writing.

46 2. Determine that, on its face, the complaint is
47 outside its jurisdiction, is legally insufficient, is
48 frivolous, is without merit, involves harmless error,
49 or relates to a specific incident that has previously
50 been finally disposed of on its merits by the board or

1 a court. In such a case the board shall decline to
2 accept the complaint. If the board refuses to accept a
3 complaint, the board shall provide the complainant with
4 a written order explaining its reasons for the action.

5 Sec. _____. NEW SECTION. 23.9 Informal assistance —
6 mediation and settlement.

7 1. After accepting a complaint, the board shall
8 promptly work with the parties through its employees
9 to reach an informal, expeditious resolution of the
10 complaint. If an informal resolution satisfactory to
11 the parties cannot be reached, the board or the board's
12 designee shall offer the parties an opportunity to
13 resolve the dispute through mediation and settlement.

14 2. The mediation and settlement process shall
15 enable the complainant to attempt to resolve the
16 dispute with the aid of a neutral mediator employed and
17 selected by the board, in its discretion, from either
18 its own staff or an outside source.

19 3. Mediation shall be conducted as an informal,
20 nonadversarial process and in a manner calculated
21 to help the parties reach a mutually acceptable and
22 voluntary settlement agreement. The mediator shall
23 assist the parties in identifying issues and shall
24 foster joint problem solving and the exploration of
25 settlement alternatives.

26 Sec. _____. NEW SECTION. 23.10 Enforcement.

27 1. If any party declines mediation or settlement or
28 if mediation or settlement fails to resolve the matter
29 to the satisfaction of all parties, the board shall
30 initiate a formal investigation concerning the facts
31 and circumstances set forth in the complaint. The
32 board shall, after an appropriate investigation, make
33 a determination as to whether the complaint is within
34 the board's jurisdiction and whether there is probable
35 cause to believe that the facts and circumstances
36 alleged in the complaint constitute a violation of
37 chapter 21 or 22.

38 2. If the board finds the complaint is outside the
39 board's jurisdiction or there is no probable cause to
40 believe there has been a violation of chapter 21 or 22,
41 the board shall issue a written order explaining the
42 reasons for the board's conclusions and dismissing the
43 complaint, and shall transmit a copy to the complainant
44 and to the party against whom the complaint was filed.

45 3. a. If the board finds the complaint is within
46 the board's jurisdiction and there is probable cause
47 to believe there has been a violation of chapter 21
48 or 22, the board shall issue a written order to that
49 effect and shall commence a contested case proceeding
50 under chapter 17A against the respondent. An attorney

1 selected by the director of the board shall prosecute
2 the respondent in the contested case proceeding. At
3 the termination of the contested case proceeding the
4 board shall, by a majority vote of its members, render
5 a final decision as to the merits of the complaint. If
6 the board finds that the complaint has merit, the board
7 may issue any appropriate order to ensure enforcement
8 of chapter 21 or 22 including but not limited to
9 an order requiring specified action or prohibiting
10 specified action and any appropriate order to remedy
11 any failure of the respondent to observe any provision
12 of those chapters.

13 **b.** If the board determines, by a majority vote of
14 its members, that the respondent has violated chapter
15 21 or 22, the board may also do any or all of the
16 following:

17 (1) Require the respondent to pay damages as
18 provided for in section 21.6 or 22.10, whichever is
19 applicable, to the extent that provision would make
20 such damages payable if the complainant had sought to
21 enforce a violation in court instead of through the
22 board.

23 (2) Void any action taken in violation of chapter
24 21 if a court would be authorized to do so in similar
25 circumstances pursuant to section 21.6.

26 **c.** The board shall not have the authority to remove
27 a person from public office for a violation of chapter
28 21 or 22. The board may file an action under chapter
29 21 or 22 to remove a person from office for violations
30 that would subject a person to removal under those
31 chapters.

32 **d.** A final board order resulting from such
33 proceedings may be enforced by the board in court
34 and is subject to judicial review pursuant to section
35 17A.19.

36 Sec. _____. NEW SECTION. **23.11 Defenses in a**
37 **contested case proceeding.**

38 A respondent may defend against a proceeding before
39 the board charging a violation of chapter 21 or 22
40 on the ground that if such a violation occurred it
41 was only harmless error or that clear and convincing
42 evidence demonstrated that grounds existed to justify
43 a court to issue an injunction against disclosure
44 pursuant to section 22.8.

45 Sec. _____. NEW SECTION. **23.12 Jurisdiction.**

46 The board shall not have jurisdiction over the
47 judicial or legislative branches of state government or
48 any entity, officer, or employee of those branches, or
49 over the governor or the office of the governor.

50 Sec. _____. IOWA PUBLIC INFORMATION BOARD —

1 TRANSITION PROVISIONS.

2 1. The initial members of the Iowa public
3 information board established pursuant to this Act
4 shall be appointed by September 1, 2010.

5 2. Notwithstanding any provision of this Act to the
6 contrary, the director of the board and employees of
7 the board shall not be hired prior to July 1, 2011.

8 3. Prior to January 15, 2011, the board shall
9 submit a report to the governor and the general
10 assembly. The report shall include a job description
11 for the executive director of the board, goals for
12 board operations, and performance measures to measure
13 achievement of the board's goals.

14 4. Implementation of the Iowa public information
15 board is limited to the extent of the funding
16 available. The legislative services agency shall
17 provide transitional administrative support to the
18 board for the fiscal year beginning July 1, 2010, and
19 ending June 30, 2011.

20 Sec. _____. EFFECTIVE DATE. Except for the section
21 of this Act establishing transition provisions for the
22 Iowa public information board, this division of this
23 Act takes effect July 1, 2011.>

24 51. Page 46, after line 5 by inserting:

25 <DIVISION
26 WORKPLACE ACCOMODATIONS

27 Sec. _____. NEW SECTION. 91F.1 Short title.

28 This chapter shall be known and may be cited as the
29 "*Family Friendly Workplace Act*".

30 Sec. _____. NEW SECTION. 91F.2 Definitions.

31 1. "*Employer*" means a person engaged in a business
32 who has one or more employees and also includes the
33 state of Iowa, a department or agency thereof, and any
34 political subdivision of the state.

35 2. "*Reasonable efforts*" means any effort that would
36 not impose an undue hardship on the operation of the
37 employer's business.

38 3. "*Undue hardship*" means any action that requires
39 significant difficulty, compromises the safety of other
40 employees, requires temporary facility closure, or
41 results in expenditures exceeding five hundred dollars,
42 exclusive of the costs of additional labor or unpaid
43 leave costs.

44 Sec. _____. NEW SECTION. 91F.3 Right to express
45 breast milk in workplace — private location.

46 1. An employer shall provide reasonable unpaid
47 break time or permit an employee to use paid break
48 time, meal time, or both, each day, to allow the
49 employee to express breast milk for the employee's
50 nursing child for up to two years after the child's

1 birth.

2 2. The employer shall make reasonable efforts
3 to provide a place, other than a toilet stall, which
4 is shielded from view and free from intrusion from
5 coworkers and the public, that may be used by an
6 employee to express breast milk in privacy.

7 3. An employer who makes reasonable efforts
8 to accommodate an employee who chooses to express
9 breast milk in the workplace shall be deemed to be in
10 compliance with the requirements of this section.

11 4. The department of workforce development shall
12 provide on its internet site information and links
13 to other internet sites where employers can access
14 information regarding methods to accommodate employees
15 who express breast milk in the workplace. The
16 department shall consult with appropriate organizations
17 or associations to determine the appropriate
18 information and internet site links so as to provide
19 employers with the most accurate and useful information
20 available.

21 Sec. _____. Section 91.5, Code 2009, is amended to
22 read as follows:

23 **91.5 Other duties — jurisdiction in general.**

24 The commissioner shall have jurisdiction and it
25 shall be the commissioner's duty to supervise the
26 enforcement of:

27 1. All laws relating to safety appliances
28 and inspection thereof and health conditions in
29 manufacturing and mercantile establishments, workshops,
30 machine shops, other industrial concerns within the
31 commissioner's jurisdiction and sanitation and shelter
32 for railway employees.

33 2. All laws of the state relating to child labor.

34 3. All laws relating to employment agencies.

35 4. All laws relating to expressing breast milk in
36 the workplace.

37 ~~4.~~ 5. Such other provisions of law as are now
38 or shall hereafter be within the commissioner's
39 jurisdiction.>

40 52. Page 46, after line 5 by inserting:

41 <DIVISION _____
42 INCOME TAX CHECKOFFS

43 Sec. _____. Section 235A.2, subsection 1, Code 2009,
44 is amended to read as follows:

45 1. A child abuse prevention program fund is
46 created in the state treasury under the control of the
47 department of human services. The fund is composed of
48 moneys appropriated or available to and obtained or
49 accepted by the treasurer of state for deposit in the
50 fund. The fund shall include moneys transferred to

1 the fund as provided in section ~~422.12K~~ 422.12F. All
2 interest earned on moneys in the fund shall be credited
3 to and remain in the fund. Section 8.33 does not apply
4 to moneys in the fund.

5 Sec. _____. **NEW SECTION. 422.12F Income tax checkoff**
6 **for child abuse prevention program fund.**

7 1. A person who files an individual or a joint
8 income tax return with the department of revenue under
9 section 422.13 may designate one dollar or more to be
10 paid to the child abuse prevention program fund created
11 in section 235A.2. If the refund due on the return or
12 the payment remitted with the return is insufficient to
13 pay the additional amount designated by the taxpayer
14 to the child abuse prevention program fund, the
15 amount designated shall be reduced to the remaining
16 amount remitted with the return. The designation of a
17 contribution to the child abuse prevention program fund
18 under this section is irrevocable.

19 2. The director of revenue shall draft the income
20 tax form to allow the designation of contributions
21 to the child abuse prevention program fund on the
22 tax return. The department of revenue, on or before
23 January 31, shall transfer the total amount designated
24 on the tax return forms due in the preceding calendar
25 year to the child abuse prevention program fund.
26 However, before a checkoff pursuant to this section
27 shall be permitted, all liabilities on the books of
28 the department of administrative services and accounts
29 identified as owing under section 8A.504 and the
30 political contribution allowed under section 68A.601
31 shall be satisfied.

32 3. The department of human services may authorize
33 payment of moneys from the child abuse prevention
34 program fund, in accordance with section 235A.2.

35 4. The department of revenue shall adopt rules to
36 administer this section.

37 5. This section is subject to repeal under section
38 422.12E.

39 Sec. _____. **NEW SECTION. 422.12G Joint income tax**
40 **refund checkoff for veterans trust fund and volunteer**
41 **fire fighter preparedness fund.**

42 1. A person who files an individual or a joint
43 income tax return with the department of revenue under
44 section 422.13 may designate one dollar or more to
45 be paid jointly to the veterans trust fund created
46 in section 35A.13 and to the volunteer fire fighter
47 preparedness fund created in section 100B.13. If the
48 refund due on the return or the payment remitted with
49 the return is insufficient to pay the additional amount
50 designated by the taxpayer, the amount designated

1 shall be reduced to the remaining amount of refund or
2 the remaining amount remitted with the return. The
3 designation of a contribution under this section is
4 irrevocable.

5 2. The director of revenue shall draft the income
6 tax form to allow the designation of contributions
7 to the veterans trust fund and to the volunteer fire
8 fighter preparedness fund as one checkoff on the
9 tax return. The department of revenue, on or before
10 January 31, shall transfer one-half of the total
11 amount designated on the tax return forms due in the
12 preceding calendar year to the veterans trust fund and
13 the remaining one-half to the volunteer fire fighter
14 preparedness fund. However, before a checkoff pursuant
15 to this section shall be permitted, all liabilities on
16 the books of the department of administrative services
17 and accounts identified as owing under section 8A.504
18 and the political contribution allowed under section
19 68A.601 shall be satisfied.

20 3. The department of revenue shall adopt rules to
21 administer this section.

22 4. This section is subject to repeal under section
23 422.12E.

24 Sec. _____. REPEAL. Section 422.12L, Code 2009, is
25 repealed.

26 Sec. _____. REPEAL. Section 422.12K, Code Supplement
27 2009, is repealed.

28 Sec. _____. RETROACTIVE APPLICABILITY. This division
29 of this Act applies retroactively to January 1, 2010,
30 for tax years beginning on or after that date.

31 53. Page 46, after line 5 by inserting:

32 <DIVISION ____
33 WINE

34 Section 1. Section 123.183, Code 2009, is amended
35 to read as follows:

36 **123.183 Wine gallonage tax and related funds.**

37 1. In addition to the annual permit fee to be paid
38 by each class "A" wine permittee, a wine gallonage tax
39 shall be levied and collected from each class "A" wine
40 permittee on all wine manufactured for sale and sold
41 in this state at wholesale and on all wine imported
42 into this state for sale at wholesale and sold in this
43 state at wholesale. A wine gallonage tax shall also
44 be levied and collected on the direct shipment of wine
45 pursuant to section 123.187. The rate of the wine
46 gallonage tax is one dollar and seventy-five cents for
47 each wine gallon. The same rate shall apply for the
48 fractional parts of a wine gallon. The wine gallonage
49 tax shall not be levied or collected on wine sold by
50 one class "A" wine permittee to another class "A" wine

1 permittee.

2 2. *a.* Revenue collected from the wine gallonage
3 tax on wine manufactured for sale and sold in this
4 state, and on wine subject to direct shipment as
5 provided in section 123.187 by a wine manufacturer
6 licensed or permitted pursuant to laws regulating
7 alcoholic beverages in this state, shall be deposited
8 in the wine gallonage tax fund as created in this
9 section.

10 *b.* A wine gallonage tax fund is created in the
11 office of the treasurer of state. Moneys deposited in
12 the fund are appropriated to the department of economic
13 development as provided in section 15E.117. Moneys in
14 the fund are not subject to section 8.33.

15 3. The revenue collected from the wine gallonage
16 tax on wine imported into this state for sale at
17 wholesale and sold in this state at wholesale, and on
18 wine subject to direct shipment as provided in section
19 123.187 by a wine manufacturer licensed or permitted
20 pursuant to laws regulating alcoholic beverages in
21 another state, shall be deposited in the beer and
22 liquor control fund created in section 123.53.

23 Sec. _____. Section 123.187, subsection 4, as enacted
24 by 2010 Iowa Acts, Senate File 2088, section 100, is
25 amended to read as follows:

26 4. *a.* In addition to the annual license fee,
27 a wine direct shipper licensee shall remit to the
28 division an amount equivalent to the wine gallonage
29 tax on wine subject to direct shipment at the rate
30 specified in section 123.183 for deposit as provided in
31 section 123.183, subsections 2 and 3. The amount shall
32 be remitted at the same time and in the same manner
33 as provided in section 123.184, and the ten percent
34 penalty specified therein shall be applicable.

35 *b.* Shipment of wine pursuant to this subsection
36 does not require a refund value for beverage container
37 control purposes under chapter 455C.>

38 54. Page 46, after line 5 by inserting:

39 <DIVISION _____
40 MEDICATION THERAPY MANAGEMENT
41 Sec. _____. MEDICATION THERAPY MANAGEMENT — PILOT
42 — REPEAL.

43 1. As used in this section unless the context
44 otherwise requires:

45 *a.* “*Eligible employee*” means an employee of the
46 state, with the exception of an employee of the state
47 board of regents or institutions under the state board
48 of regents, for whom group health plans are established
49 pursuant to chapter 509A providing for third-party
50 payment or prepayment for health or medical expenses.

1 b. "*Medication therapy management*" means a
2 systematic process performed by a licensed pharmacist,
3 designed to optimize therapeutic outcomes through
4 improved medication use and reduced risk of adverse
5 drug events, including all of the following services:
6 (1) A medication therapy review and in-person
7 consultation relating to all medications, vitamins, and
8 herbal supplements currently being taken by an eligible
9 individual.
10 (2) A medication action plan, subject to the
11 limitations specified in this section, communicated
12 to the individual and the individual's primary care
13 physician or other appropriate prescriber to address
14 safety issues, inconsistencies, duplicative therapy,
15 omissions, and medication costs. The medication action
16 plan may include recommendations to the prescriber for
17 changes in drug therapy.
18 (3) Documentation and follow-up to ensure
19 consistent levels of pharmacy services and positive
20 outcomes.
21 2. a. Prior to July 1, 2010, the department of
22 administrative services shall utilize a request for
23 proposals process to contract for the provision of
24 medication therapy management services beginning July
25 1, 2010, for eligible employees who meet any of the
26 following criteria:
27 (1) An individual who takes four or more
28 prescription drugs to treat or prevent two or more
29 chronic medical conditions.
30 (2) An individual with a prescription drug therapy
31 problem who is identified by the prescribing physician
32 or other appropriate prescriber, and referred to a
33 pharmacist for medication therapy management services.
34 (3) An individual who meets other criteria
35 established by the third-party payment provider
36 contract, policy, or plan.
37 b. The department of administrative services shall
38 utilize an advisory committee comprised of an equal
39 number of physicians and pharmacists to provide advice
40 and oversight regarding the request for proposals and
41 evaluation processes. The department shall appoint the
42 members of the advisory council based upon designees
43 of the Iowa pharmacy association, the Iowa medical
44 society, and the Iowa osteopathic medical association.
45 c. The contract shall require the company to
46 provide annual reports to the general assembly
47 detailing the costs, savings, estimated cost avoidance
48 and return on investment, and patient outcomes
49 related to the medication therapy management services
50 provided. The company shall guarantee demonstrated

1 annual savings, including any savings associated with
2 cost avoidance at least equal to the program's costs
3 with any shortfall amount refunded to the state. As
4 a proof of concept in the program for the period
5 beginning July 1, 2010, and ending June 30, 2011, the
6 company shall offer a dollar-for-dollar guarantee for
7 drug product costs savings alone. Prior to entering
8 into a contract with a company, the department and
9 the company shall agree on the terms, conditions,
10 and applicable measurement standards associated
11 with the demonstration of savings. The department
12 shall verify the demonstrated savings reported by
13 the company was performed in accordance with the
14 agreed upon measurement standards. The company shall
15 be prohibited from using the company's employees to
16 provide the medication therapy management services and
17 shall instead be required to contract with licensed
18 pharmacies, pharmacists, or physicians.

19 d. The fees for pharmacist-delivered medication
20 therapy management services shall be separate from
21 the reimbursement for prescription drug product or
22 dispensing services; shall be determined by each
23 third-party payment provider contract, policy, or plan;
24 and must be reasonable based on the resources and time
25 required to provide the service.

26 e. A fee shall be established for physician
27 reimbursement for services delivered for medication
28 therapy management as determined by each third-party
29 payment provider contract, policy, or plan, and must be
30 reasonable based on the resources and time required to
31 provide the service.

32 f. If any part of the medication therapy management
33 plan developed by a pharmacist incorporates services
34 which are outside the pharmacist's independent scope
35 of practice including the initiation of therapy,
36 modification of dosages, therapeutic interchange, or
37 changes in drug therapy, the express authorization
38 of the individual's physician or other appropriate
39 prescriber is required.

40 3. This section is repealed December 31, 2011.

41 Sec. _____. DEPARTMENT OF ADMINISTRATIVE SERVICES
42 — IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE
43 TANK FUND. There is appropriated from the Iowa
44 comprehensive petroleum underground storage tank
45 fund created in section 455G.3 to the department of
46 administrative services for the fiscal year beginning
47 July 1, 2010, and ending June 30, 2011, the following
48 amount, or so much thereof as is necessary, to be used
49 for the purposes of this division, notwithstanding
50 section 455G.3, subsection 1:

1 \$ 543,000
2 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
3 of this Act, being deemed of immediate importance,
4 takes effect upon enactment.>
5 55. Page 46, after line 5 by inserting:
6 <DIVISION _____
7 IOWA COMPREHENSIVE PETROLEUM
8 UNDERGROUND STORAGE TANK FUND
9 Sec. _____. Section 455B.474, subsection 1, paragraph
10 d, subparagraph (2), unnumbered paragraph 1, Code
11 Supplement 2009, is amended to read as follows:
12 A site shall be classified as either high risk,
13 low risk, or no action required, as determined by a
14 certified groundwater professional.
15 Sec. _____. Section 455B.474, subsection 1, paragraph
16 d, subparagraph (2), subparagraph division (a),
17 unnumbered paragraph 1, Code Supplement 2009, is
18 amended to read as follows:
19 A site shall be considered high risk when ~~it is~~
20 ~~determined~~ a certified groundwater professional
21 determines that contamination from the site presents an
22 unreasonable risk to public health and safety or the
23 environment under any of the following conditions:
24 Sec. _____. Section 455B.474, subsection 1, paragraph
25 d, subparagraph (2), subparagraph division (b),
26 unnumbered paragraph 1, Code Supplement 2009, is
27 amended to read as follows:
28 A site shall be considered low risk ~~under any of~~
29 ~~the following conditions~~ when a certified groundwater
30 professional determines that low risk conditions exist
31 as follows:
32 Sec. _____. Section 455B.474, subsection 1, paragraph
33 d, subparagraph (2), subparagraph divisions (c) and
34 (e), Code Supplement 2009, are amended to read as
35 follows:
36 (c) A site shall be considered no action required
37 ~~if and a no further action certificate shall be~~
38 issued by the department when a certified groundwater
39 professional determines that contamination is below
40 action level standards and high or low risk conditions
41 do not exist and are not likely to occur.
42 (e) A site cleanup report which classifies a
43 site as either high risk, low risk, or no action
44 required shall be submitted by a groundwater
45 professional to the department with a certification
46 that the report complies with the provisions of this
47 chapter and rules adopted by the department. The
48 report shall be determinative of the appropriate
49 classification of the site. ~~However, if the report~~
50 ~~is found to be~~ and the site shall be classified as

1 indicated by the groundwater professional unless,
2 within ninety days of receipt by the department,
3 the department identifies material information in
4 the report that is inaccurate or incomplete, and
5 if based upon inaccurate or incomplete information
6 in the report the risk classification of the site
7 cannot be reasonably determined by the department
8 based upon industry standards, the department shall.
9 If the department determines that the site cleanup
10 report is inaccurate or incomplete, the department
11 shall notify the groundwater professional of the
12 inaccurate or incomplete information within ninety
13 days of receipt of the report and shall work with
14 the groundwater professional to obtain the correct
15 information or additional information necessary
16 to appropriately classify the site. However, from
17 July 1, 2010, through June 30, 2011, the department
18 shall have one hundred twenty days to notify the
19 certified groundwater professional when a report is
20 not accepted based on material information that is
21 found to be inaccurate or incomplete. A groundwater
22 professional who knowingly or intentionally makes a
23 false statement or misrepresentation which results in
24 a mistaken classification of a site shall be guilty of
25 a serious misdemeanor and shall have the groundwater
26 professional's certification revoked under this
27 section.

28 Sec. _____. Section 455B.474, subsection 1, paragraph
29 f, subparagraphs (5), (6), and (7), Code Supplement
30 2009, are amended to read as follows:

31 (5) A corrective action design report submitted by
32 a groundwater professional shall be accepted by the
33 department and shall be primarily relied upon by the
34 department to determine the corrective action response
35 requirements of the site. However, if the corrective
36 ~~action design report is found to be within ninety days~~
37 of receipt of a corrective action design report, the
38 department identifies material information in the
39 corrective action design report that is inaccurate or
40 incomplete, and if based upon information in the report
41 the appropriate corrective action response cannot be
42 reasonably determined by the department based upon
43 industry standards, the department shall notify the
44 groundwater professional that the corrective action
45 design report is not accepted, and the department
46 shall work with the groundwater professional to correct
47 the material information or to obtain the additional
48 information necessary to appropriately determine the
49 corrective action response requirements as soon as
50 practicable. However, from July 1, 2010, through June

1 30, 2011, the department shall have one hundred twenty
2 days to notify the certified groundwater professional
3 when a corrective action design report is not accepted
4 based on material information that is found to be
5 inaccurate or incomplete. A groundwater professional
6 who knowingly or intentionally makes a false statement
7 or misrepresentation which results in an improper or
8 incorrect corrective action response shall be guilty of
9 a serious misdemeanor and shall have the groundwater
10 professional's certification revoked under this
11 section.

12 (6) Low risk sites shall be monitored as deemed
13 necessary by the department consistent with industry
14 standards. Monitoring shall not be required on a site
15 which has received a no further action certificate.
16 A site that has maintained less than the applicable
17 target level for four consecutive sampling events shall
18 be reclassified as a no action required site regardless
19 of exit monitoring criteria and guidance.

20 (7) An owner or operator may elect to proceed with
21 additional corrective action on the site. However,
22 any action taken in addition to that required pursuant
23 to this paragraph "f" shall be solely at the expense
24 of the owner or operator and shall not be considered
25 corrective action for purposes of section 455G.9,
26 unless otherwise previously agreed to by the board
27 and the owner or operator pursuant to section 455G.9,
28 subsection 7. Corrective action taken by an owner or
29 operator due to the department's failure to meet the
30 time requirements provided in subparagraph (5), shall
31 be considered corrective action for purposes of section
32 455G.9.

33 Sec. _____. Section 455B.474, subsection 1, paragraph
34 h, subparagraphs (1) and (3), Code Supplement 2009, are
35 amended to read as follows:

36 (1) A no further action certificate shall be
37 issued by the department for a site which has been
38 classified as a no further action site or which
39 has been reclassified pursuant to completion of a
40 corrective action plan or monitoring plan to be a no
41 further action site by a groundwater professional,
42 unless within ninety days of receipt of the report
43 submitted by the groundwater professional classifying
44 the site, the department notifies the groundwater
45 professional that the report and site classification
46 are not accepted and the department identifies
47 material information in the report that is inaccurate
48 or incomplete which causes the department to be
49 unable to accept the classification of the site.
50 An owner or operator shall not be responsible for

1 additional assessment, monitoring, or corrective
2 action activities at a site that is issued a no further
3 action certificate unless it is determined that the
4 certificate was issued based upon false material
5 statements that were knowingly or intentionally made
6 by a groundwater professional and the false material
7 statements resulted in the incorrect classification of
8 the site.

9 (3) A certificate shall be recorded with the county
10 recorder. The owner or operator of a site who has been
11 issued a certificate under this paragraph "h" or a
12 subsequent purchaser of the site shall not be required
13 to perform further corrective action solely because
14 action standards are changed at a later date. A
15 certificate shall not prevent the department from
16 ordering corrective action of a new release.

17 Sec. _____. Section 455B.479, Code 2009, is amended
18 to read as follows:

19 **455B.479 Storage tank management fee.**

20 An owner or operator of an underground storage
21 tank shall pay an annual storage tank management fee
22 of sixty-five dollars per tank of over one thousand
23 one hundred gallons capacity. ~~Twenty-three percent~~
24 ~~of the~~ The fees collected shall be deposited in the
25 storage tank management account of the groundwater
26 protection fund. ~~Seventy-seven percent of the fees~~
27 ~~collected shall be deposited in the Iowa comprehensive~~
28 ~~petroleum underground storage tank fund created in~~
29 ~~chapter 455G.~~

30 Sec. _____. Section 455E.11, subsection 2, paragraph
31 d, Code Supplement 2009, is amended to read as follows:

32 d. A storage tank management account. All fees
33 collected pursuant to section 455B.473, subsection 5,
34 and section 455B.479, shall be deposited in the storage
35 tank management account, ~~except those moneys deposited~~
36 ~~into the Iowa comprehensive petroleum underground~~
37 ~~storage tank fund pursuant to section 455B.479. Funds.~~
38 Moneys deposited in the account shall be expended for
39 the following purposes:

40 (1) One thousand dollars is appropriated annually
41 to the Iowa department of public health to carry out
42 departmental duties under section 135.11, subsections
43 19 and 20, and section 139A.21.

44 (2) ~~Twenty-three percent of the proceeds of the~~
45 ~~fees imposed pursuant to section 455B.473, subsection~~
46 ~~5, and section 455B.479 shall be deposited in the~~
47 ~~account annually, up to a maximum of three hundred~~
48 ~~fifty thousand dollars. If twenty-three percent of the~~
49 ~~proceeds exceeds three hundred fifty thousand dollars,~~
50 ~~the excess shall be deposited into the fund created in~~

1 ~~section 455G.3. Three hundred fifty thousand dollars~~
2 ~~is The moneys remaining in the account after the~~
3 ~~appropriation in subparagraph (1) are appropriated from~~
4 ~~the storage tank management account to the department~~
5 ~~of natural resources for the administration of a state~~
6 ~~storage tank program pursuant to chapter 455B, division~~
7 ~~IV, part 8, and for programs which reduce the potential~~
8 ~~for harm to the environment and the public health from~~
9 ~~storage tanks.~~

10 ~~(3) The remaining funds in the account are~~
11 ~~appropriated annually to the Iowa comprehensive~~
12 ~~petroleum underground storage tank fund. Each fiscal~~
13 ~~year, the department of natural resources shall enter~~
14 ~~into an agreement with the Iowa comprehensive petroleum~~
15 ~~underground storage tank fund for the completion~~
16 ~~of administrative tasks during the fiscal year~~
17 ~~directly related to the evaluation and modification~~
18 ~~of risk based corrective action rules as necessary~~
19 ~~and processes that affect the administration in~~
20 ~~subparagraph (2).~~

21 ~~Sec. ____.~~ Section 455G.3, Code 2009, is amended by
22 adding the following new subsections:

23 NEW SUBSECTION. 6. For the fiscal year beginning
24 July 1, 2010, and each fiscal year thereafter, there
25 is appropriated from the Iowa comprehensive petroleum
26 underground storage tank fund to the department of
27 natural resources two hundred thousand dollars for
28 purposes of technical review support to be conducted
29 by nongovernmental entities for leaking underground
30 storage tank assessments.

31 NEW SUBSECTION. 7. For the fiscal year beginning
32 July 1, 2010, there is appropriated from the Iowa
33 comprehensive petroleum underground storage tank fund
34 to the department of natural resources one hundred
35 thousand dollars for purposes of database modifications
36 necessary to accept batched external data regarding
37 underground storage tank inspections conducted by
38 nongovernmental entities.

39 NEW SUBSECTION. 8. For the fiscal year beginning
40 July 1, 2010, and each fiscal year thereafter, there
41 is appropriated from the Iowa comprehensive petroleum
42 underground storage tank fund to the department of
43 agriculture and land stewardship two hundred fifty
44 thousand dollars for the sole and exclusive purpose
45 of inspecting fuel quality at pipeline terminals
46 and renewable fuel production facilities, including
47 salaries, support, maintenance, and miscellaneous
48 purposes.

49 NEW SUBSECTION. 9. Beginning September 1, 2010,
50 the board shall administer safety training, hazardous

1 material training, environmental training, and
2 underground storage tank operator training in the
3 state to be provided by an entity approved by the
4 department of natural resources. The training provided
5 pursuant to this subsection shall be available to any
6 tank operator in the state at an equal and reasonable
7 cost and shall not be conditioned upon any other
8 requirements. Each fiscal year, the board shall not
9 expend more than two hundred fifty thousand dollars
10 from the Iowa comprehensive petroleum underground
11 storage tank fund for purposes of administering this
12 subsection.

13 Sec. _____. Section 455G.4, subsection 1, paragraph
14 a, subparagraphs (3) and (5), Code Supplement 2009, are
15 amended to read as follows:

16 (3) ~~The commissioner of insurance, or the~~
17 ~~commissioner's designee. An employee of the department~~
18 ~~of management who has been designated as a risk manager~~
19 ~~by the director of the department of management.~~

20 (5) Two owners or operators appointed by the
21 governor. ~~One of the owners or operators appointed~~
22 ~~pursuant to this subparagraph shall have been a~~
23 ~~petroleum systems insured through the underground~~
24 ~~storage tank insurance fund as it existed on June 30,~~
25 ~~2004, or a successor to the underground storage tank~~
26 ~~insurance fund and shall have been an insured through~~
27 ~~the insurance account of the comprehensive petroleum~~
28 ~~underground storage tank fund on or before October~~
29 ~~26, 1990. One of the owners or operators appointed~~
30 ~~pursuant to this subparagraph shall be self-insured. as~~
31 ~~follows:~~

32 (a) One member shall be an owner or operator who is
33 self-insured.

34 (b) One member shall be a member of the petroleum
35 marketers and convenience stores of Iowa or its
36 designee.

37 Sec. _____. Section 455G.8, subsection 3, Code 2009,
38 is amended by striking the subsection.

39 Sec. _____. Section 455G.9, subsection 1, paragraphs
40 d, k, and l, Code 2009, are amended to read as follows:

41 d. One hundred percent of the costs of corrective
42 action and third-party liability for a release situated
43 on property acquired by a county for delinquent taxes
44 pursuant to chapters 445 through 448, for which a
45 responsible owner or operator able to pay, other
46 than the county, cannot be found. A county is not
47 a "responsible party" for a release in connection
48 with property which it acquires in connection with
49 delinquent taxes, and does not become a responsible
50 party by sale or transfer of property so acquired. In

1 such situations, the board may act as an agent for
2 the county. Actual corrective action on the site
3 shall be overseen by the department, the board, and
4 a certified groundwater professional. Third-party
5 liability specifically excludes any claim, cause of
6 action, or suit, for personal injury including, but
7 not limited to, loss of use or of private enjoyment,
8 mental anguish, false imprisonment, wrongful entry or
9 eviction, humiliation, discrimination, or malicious
10 prosecution. Reasonable acquisition costs do not
11 include any taxes or costs related to the collection
12 of taxes.

13 k. Pursuant to an agreement between the board and
14 the department of natural resources, assessment and
15 corrective action arising out of releases at sites for
16 which a no further action certificate has been issued
17 pursuant to section 455B.474, when the department
18 determines that an unreasonable risk to public health
19 and safety may still exist or that previously reported
20 upon applicable target levels have been exceeded. At
21 a minimum, the agreement shall address eligible costs,
22 contracting for services, and conditions under which
23 sites may be reevaluated.

24 l. Costs Up to fifteen thousand dollars for the
25 permanent closure of an underground storage tank
26 system that was in place on the date an eligible claim
27 was submitted under paragraph "a" that does not meet
28 performance standards for new or upgraded tanks or
29 is otherwise required to be closed pursuant to rules
30 adopted by the environmental protection commission
31 pursuant to section 455B.474. Reimbursement is limited
32 to costs approved by the board prior to the closure
33 activities.

34 Sec. _____. Section 455G.9, subsection 4, Code 2009,
35 is amended to read as follows:

36 4. *Minimum copayment schedule.*

37 a. An owner or operator shall be required to pay
38 the greater of five thousand dollars or eighteen
39 percent of the first eighty thousand dollars of the
40 total costs of corrective action for that release,
41 except for claims pursuant to section 455G.21, where
42 the claimant is not a responsible party or potentially
43 responsible party for the site for which the claim is
44 filed.

45 b. If a site's actual expenses exceed eighty
46 thousand dollars, the remedial account shall pay the
47 remainder, as required by federal regulations, of
48 the total costs of the corrective action for that
49 release, not to exceed one million dollars, except that
50 a county shall not be required to pay a copayment in

1 connection with a release situated on property acquired
2 in connection with delinquent taxes, as provided in
3 subsection 1, paragraph "d", unless subsequent to
4 acquisition the county actively operates a tank on the
5 property for purposes other than risk assessment, risk
6 management, or tank closure.

7 Sec. _____. Section 455G.9, subsection 7, Code 2009,
8 is amended to read as follows:

9 7. *Expenses of cleanup not required.* When an
10 owner or operator who is eligible for benefits under
11 this chapter is allowed by the department of natural
12 resources to monitor in place, the expenses incurred
13 for cleanup beyond the level required by the department
14 of natural resources ~~are not~~ may be covered under any
15 of the accounts established under the fund only if
16 approved by the board as cost-effective relative to
17 the department accepted monitoring plan or relative
18 to the repeal date specified in section 424.19. The
19 cleanup expenses incurred for work completed beyond
20 what is required is the responsibility of the person
21 contracting for the excess cleanup. The board shall
22 seek to terminate the responsible party's environmental
23 liabilities at such sites prior to the board ceasing
24 operation.

25 Sec. _____. Section 455G.9, subsection 10, Code 2009,
26 is amended to read as follows:

27 10. *Expenses incurred by governmental subdivisions*
28 *and public works utilities.* The board ~~may~~ shall adopt
29 rules for reimbursement for reasonable expenses
30 incurred by a governmental subdivision or public
31 works utility for sampling, treating, handling,
32 or disposing, as required by the department, of
33 petroleum-contaminated soil and groundwater encountered
34 in a public right-of-way during installation,
35 maintenance, or repair of a utility or public
36 improvement. The board ~~may~~ seek full recovery from
37 a responsible party liable for the release for such
38 expenses and for all other costs and reasonable
39 attorney fees and costs of litigation for which moneys
40 are expended by the fund. Any expense described in
41 this subsection incurred by the fund constitutes a lien
42 upon the property from which the release occurred.
43 A lien shall be recorded and an expense shall be
44 collected in the same manner as provided in section
45 424.11.

46 Sec. _____. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
47 APPLICABILITY. The section of this division of this
48 Act amending section 455G.9, subsection 4, being deemed
49 of immediate importance, takes effect upon enactment
50 and applies retroactively to January 1, 2010.

DIVISION ____
BONDING AUTHORITY

Sec. _____. Section 455G.2, subsection 1, Code 2009,
is amended by striking the subsection.

Sec. _____. Section 455G.2, subsection 3, Code 2009,
is amended to read as follows:

3. "*Bond*" means a bond, note, or other obligation
issued by the authority treasurer of state for the fund
and the purposes of this chapter.

Sec. _____. Section 455G.3, subsection 2, Code 2009,
is amended to read as follows:

2. The board shall assist Iowa's owners and
operators of petroleum underground storage tanks in
complying with federal environmental protection agency
technical and financial responsibility regulations
by establishment of the Iowa comprehensive petroleum
underground storage tank fund. The authority treasurer
of state may issue its bonds, or series of bonds, to
assist the board, as provided in this chapter.

Sec. _____. Section 455G.6, subsections 7 through 9,
Code Supplement 2009, are amended to read as follows:

7. The board may contract with the
authority treasurer of state for the
authority treasurer of state to issue bonds and do
all things necessary with respect to the purposes
of the fund, as set out in the contract between the
board and the authority treasurer of state. The
board may delegate to the authority treasurer of
state and the authority treasurer of state shall
then have all of the powers of the board which are
necessary to issue and secure bonds and carry out the
purposes of the fund, to the extent provided in the
contract between the board and the authority treasurer
of state. The authority treasurer of state may
issue the authority's treasurer of state's bonds
in principal amounts which, in the opinion of the
board, are necessary to provide sufficient funds for
the fund, the payment of interest on the bonds, the
establishment of reserves to secure the bonds, the
costs of issuance of the bonds, other expenditures
of the authority treasurer of state incident to and
necessary or convenient to carry out the bond issue
for the fund, and all other expenditures of the board
necessary or convenient to administer the fund.
The bonds are investment securities and negotiable
instruments within the meaning of and for purposes of
the uniform commercial code, chapter 554.

8. Bonds issued under this section are payable
solely and only out of the moneys, assets, or revenues
of the fund, all of which may be deposited with

1 trustees or depositories in accordance with bond
2 or security documents and pledged by the board to
3 the payment thereof, and are not an indebtedness
4 of this state ~~or the authority~~, or a charge against
5 the general credit or general fund of the state ~~or~~
6 ~~the authority~~, and the state shall not be liable for
7 any financial undertakings with respect to the fund.
8 Bonds issued under this chapter shall contain on their
9 face a statement that the bonds do not constitute an
10 indebtedness of the state ~~or the authority~~.

11 9. The proceeds of bonds issued by the
12 ~~authority~~ treasurer of state and not required for
13 immediate ~~disbursement~~ may be deposited with a trustee
14 or depository as provided in the bond documents
15 and invested in any investment approved by the
16 ~~authority~~ treasurer of state and specified in the trust
17 indenture, resolution, or other instrument pursuant
18 to which the bonds are issued without regard to any
19 limitation otherwise provided by law.

20 Sec. _____. Section 455G.6, subsection 10, paragraph
21 b, Code Supplement 2009, is amended to read as follows:

22 b. Negotiable instruments under the laws of
23 the state and may be sold at prices, at public or
24 private sale, and in a manner, as prescribed by the
25 ~~authority~~ treasurer of state. Chapters 73A, 74, 74A
26 and 75 do not apply to their sale or issuance of the
27 bonds.

28 Sec. _____. Section 455G.6, subsection 12, Code
29 Supplement 2009, is amended to read as follows:

30 12. Bonds must be authorized by a trust
31 indenture, resolution, or other instrument of the
32 ~~authority~~ treasurer of state, approved by the board.
33 However, a trust indenture, resolution, or other
34 instrument authorizing the issuance of bonds may
35 delegate to an officer of the issuer the power to
36 negotiate and fix the details of an issue of bonds.

37 Sec. _____. Section 455G.7, Code Supplement 2009, is
38 amended to read as follows:

39 **455G.7 Security for bonds — capital reserve fund —**
40 **irrevocable contracts.**

41 1. a. For the purpose of securing one or more
42 issues of bonds for the fund, the ~~authority~~ treasurer
43 of state, with the approval of the board, may authorize
44 the establishment of one or more special funds, called
45 "*capital reserve funds*". The ~~authority~~ treasurer
46 of state may pay into the capital reserve funds the
47 proceeds of the sale of its bonds and other money
48 which may be made available to the ~~authority~~ treasurer
49 of state from other sources for the purposes of the
50 capital reserve funds. Except as provided in this

1 section, money in a capital reserve fund shall be used
2 only as required for any of the following:

3 ~~a.~~ (1) The payment of the principal of and
4 interest on bonds or of the sinking fund payments with
5 respect to those bonds.

6 ~~b.~~ (2) The purchase or redemption of the bonds.

7 ~~c.~~ (3) The payment of a redemption premium
8 required to be paid when the bonds are redeemed before
9 maturity.

10 b. However, money in a capital reserve fund shall
11 not be withdrawn if the withdrawal would reduce the
12 amount in the capital reserve fund to less than the
13 capital reserve fund requirement, except for the
14 purpose of making payment, when due, of principal,
15 interest, redemption premiums on the bonds, and making
16 sinking fund payments when other money pledged to the
17 payment of the bonds is not available for the payments.
18 Income or interest earned by, or increment to, a
19 capital reserve fund from the investment of all or part
20 of the capital reserve fund may be transferred by the
21 authority treasurer of state to other accounts of the
22 fund if the transfer does not reduce the amount of the
23 capital reserve fund below the capital reserve fund
24 requirement.

25 2. If the authority treasurer of state decides
26 to issue bonds secured by a capital reserve fund,
27 the bonds shall not be issued if the amount in the
28 capital reserve fund is less than the capital reserve
29 fund requirement, unless at the time of issuance of
30 the bonds the authority treasurer of state deposits
31 in the capital reserve fund from the proceeds of the
32 bonds to be issued or from other sources, an amount
33 which, together with the amount then in the capital
34 reserve fund, is not less than the capital reserve fund
35 requirement.

36 3. In computing the amount of a capital reserve
37 fund for the purpose of this section, securities in
38 which all or a portion of the capital reserve fund
39 is invested shall be valued by a reasonable method
40 established by the authority treasurer of state.
41 Valuation shall include the amount of interest earned
42 or accrued as of the date of valuation.

43 4. In this section, "*capital reserve fund*
44 *requirement*" means the amount required to be on
45 deposit in the capital reserve fund as of the date of
46 computation.

47 5. To assure maintenance of the capital reserve
48 funds, the authority treasurer of state shall, on
49 or before July 1 of each calendar year, make and
50 deliver to the governor the authority's treasurer of

1 state's certificate stating the sum, if any, required
2 to restore each capital reserve fund to the capital
3 reserve fund requirement for that fund. Within
4 thirty days after the beginning of the session of the
5 general assembly next following the delivery of the
6 certificate, the governor may submit to both houses
7 printed copies of a budget including the sum, if any,
8 required to restore each capital reserve fund to the
9 capital reserve fund requirement for that fund. Any
10 sums appropriated by the general assembly and paid
11 to the authority treasurer of state pursuant to this
12 section shall be deposited in the applicable capital
13 reserve fund.

14 6. All amounts paid by the state pursuant to this
15 section shall be considered advances by the state and,
16 subject to the rights of the holders of any bonds of
17 the authority treasurer of state that have previously
18 been issued or will be issued, shall be repaid to the
19 state without interest from all available revenues of
20 the fund in excess of amounts required for the payment
21 of bonds of the authority treasurer of state, the
22 capital reserve fund, and operating expenses.

23 7. If any amount deposited in a capital reserve
24 fund is withdrawn for payment of principal, premium,
25 or interest on the bonds or sinking fund payments with
26 respect to bonds thus reducing the amount of that fund
27 to less than the capital reserve fund requirement, the
28 authority treasurer of state shall immediately notify
29 the governor and the general assembly of this event and
30 shall take steps to restore the capital reserve fund
31 to the capital reserve fund requirement for that fund
32 from any amounts designated as being available for such
33 purpose.

34 Sec. _____. Section 455G.8, subsection 2, Code 2009,
35 is amended to read as follows:

36 2. *Statutory allocations fund.* The moneys
37 credited from the statutory allocations fund under
38 section 321.145, subsection 2, paragraph "a", shall
39 be allocated, consistent with this chapter, among
40 the fund's accounts, for debt service and other fund
41 expenses, according to the fund budget, resolution,
42 trust agreement, or other instrument prepared or
43 entered into by the board or authority treasurer of
44 state under direction of the board.

45 Sec. _____. REPEAL. Section 16.151, Code 2009, is
46 repealed.

47 Sec. _____. REPEAL. 1989 Iowa Acts, chapter 131,
48 section 63, as amended by 2009 Iowa Acts, chapter 184,
49 section 39, is repealed.

50 Sec. _____. EFFECTIVE UPON ENACTMENT. This division

1 of this Act, being deemed of immediate importance,
2 takes effect upon enactment.>

3 56. Page 46, after line 5 by inserting:

4 <DIVISION
5 UNEMPLOYMENT INSURANCE BENEFITS

6 Sec. _____. CASH RESERVE APPROPRIATION —
7 UNEMPLOYMENT TRUST FUND ACCOUNT.

8 1. On or before August 15, 2010, following the
9 computation date required pursuant to section 96.7,
10 subsection 2, paragraph "d", subparagraph (1),
11 unnumbered paragraph 1, as amended by this Act, and
12 upon the approval of the director of the department of
13 management, there is appropriated from the cash reserve
14 fund created in section 8.56 to the unemployment
15 trust fund account of the unemployment compensation
16 fund for the fiscal year beginning July 1, 2010, and
17 ending June 30, 2011, up to \$20 million. This loan is
18 contingent upon being necessary to reach contribution
19 rate table 3 rather than contribution rate table 2 for
20 calendar year 2011. Any moneys appropriated pursuant
21 to this subsection shall be considered a loan for the
22 payment of unemployment insurance benefits and the
23 repayment of such moneys to the cash reserve fund
24 shall occur pursuant to subsection 2. If the amount
25 necessary to prevent table 2 from being applied is more
26 than \$20 million, this section is repealed. Section
27 8.56, subsections 3 and 4, shall not apply to the
28 appropriation in this section.

29 2. Following the fiscal year beginning July 1,
30 2010, and ending June 30, 2011, the department of
31 workforce development, in coordination with the
32 department of management, shall develop a plan for the
33 transfer of an amount equal to the amount appropriated
34 pursuant to subsection 1 from the unemployment trust
35 fund account of the unemployment compensation fund to
36 the cash reserve fund without adversely impacting the
37 solvency of the unemployment trust fund account.

38 3. By December 1, 2011, the director of the
39 department of workforce development shall submit to
40 the general assembly, with the report required under
41 section 96.35, the director's recommendations regarding
42 the transfer of moneys as required under subsection 2.

43 Sec. _____. Section 96.7, subsection 2, paragraph
44 d, subparagraph (1), unnumbered paragraph 1, Code
45 Supplement 2009, is amended to read as follows:

46 The current reserve fund ratio is computed by
47 dividing the total funds available for payment of
48 benefits, on the computation date or on August 15
49 following the computation date if the total funds
50 available for payment of benefits is a higher amount

1 on August 15, by the total wages paid in covered
2 employment excluding reimbursable employment wages
3 during the first four calendar quarters of the five
4 calendar quarters immediately preceding the computation
5 date. However, in computing the current reserve fund
6 ratio the following amounts shall be added to the
7 total funds available for payment of benefits on the
8 following computation dates:>

9 57. Page 46, after line 5 by inserting:

10 <DIVISION _____
11 TERRACE HILL

12 Sec. _____. TERRACE HILL OPERATIONS — CASH RESERVE
13 FUND — DEPARTMENT OF ADMINISTRATIVE SERVICES. There
14 is appropriated from the cash reserve fund created
15 in section 8.56 to the department of administrative
16 services for the fiscal year beginning July 1, 2010,
17 and ending June 30, 2011, the following amount, or
18 so much thereof as is necessary, to be used for the
19 purposes designated:

20 For salaries, support, maintenance, and
21 miscellaneous purposes necessary for the operation of
22 Terrace Hill:

23 \$ 168,494

24 Sec. _____. TERRACE HILL — GENERAL FUND —
25 DEPARTMENT OF ADMINISTRATIVE SERVICES. There is
26 appropriated from the general fund of the state to
27 the department of administrative services for the
28 fiscal year beginning July 1, 2009, and ending June 30,
29 2010, the following amount, or so much thereof as is
30 necessary, to be used for the purposes designated:

31 For salaries, support, maintenance, and
32 miscellaneous purposes necessary for the operation
33 of Terrace Hill, and for not more than the following
34 full-time equivalent positions:

35 \$ 263,329

36 FTEs 6.38

37 Sec. _____. TERRACE HILL QUARTERS. The amount
38 appropriated from the general fund of the state to the
39 offices of the governor and the lieutenant governor
40 for Terrace Hill quarters pursuant to 2010 Iowa Acts,
41 Senate File 2367, for the fiscal year beginning July 1,
42 2010, and ending June 30, 2011, is reduced by \$263,329.
43 The number of full-time equivalent positions authorized
44 pursuant to 2010 Iowa Acts, Senate File 2367, for
45 purposes of Terrace Hill quarters for the fiscal year
46 beginning July 1, 2010, and ending June 30, 2011, is
47 reduced by 8.12 full-time equivalent positions.>

48 58. Page 46, after line 5 by inserting:

49 <DIVISION _____
50 HEALTHCARE PROGRAMS AND APPROPRIATIONS

1 Section 1. Section 249J.7, Code 2009, is amended to
2 read as follows:

3 **249J.7 Expansion population provider network.**

4 1. *a.* Expansion population members shall only
5 be eligible to receive expansion population services
6 through a provider included in the expansion population
7 provider network. Except as otherwise provided
8 in this chapter, the expansion population provider
9 network shall be limited to a publicly owned acute care
10 teaching hospital located in a county with a population
11 over three hundred fifty thousand, the university of
12 Iowa hospitals and clinics, ~~and the state hospitals~~
13 ~~for persons with mental illness designated pursuant~~
14 ~~to section 226.1 with the exception of the programs~~
15 ~~at such state hospitals for persons with mental~~
16 ~~illness that provide substance abuse treatment, serve~~
17 ~~gero-psychiatric patients, or treat sexually violent~~
18 ~~predators and a regional provider network utilizing~~
19 the federally qualified health centers or federally
20 qualified health center look-alikes in the state, to
21 provide primary care to members.

22 *b.* (1) The department shall develop a plan to
23 phase-in the regional provider network by determining
24 the most highly underserved areas on a statewide
25 and regional basis, and targeting these areas for
26 prioritization in implementing the regional provider
27 network. In developing the phase-in plan the
28 department shall consult with the medical assistance
29 projections and assessment council created in section
30 249J.20. Any plan developed shall be approved by
31 the council prior to implementation. The phase-in of
32 the regional provider network shall be implemented
33 in a manner that ensures that program expenditures
34 do not exceed budget neutrality limits and funded
35 program capacity, and that ensures compliance with the
36 eligibility maintenance of effort requirements of the
37 federal American Recovery and Reinvestment Act of 2009.

38 (2) Payment shall only be made to designated
39 participating primary care providers for eligible
40 primary care services provided to a member.

41 (3) The department shall adopt rules pursuant to
42 chapter 17A, in collaboration with the medical home
43 advisory council established pursuant to section
44 135.159, specifying requirements for medical homes
45 including certification, with which regional provider
46 network participating providers shall comply, as
47 appropriate.

48 (4) The department may also designate other private
49 providers and hospitals to participate in the regional
50 provider network, to provide primary and specialty

1 care, subject to the availability of funds.
2 (5) Notwithstanding any provision to the contrary,
3 the department shall develop a methodology to reimburse
4 regional provider network participating providers
5 designated under this subsection.
6 c. Tertiary care shall only be provided to eligible
7 expansion population members residing in any county
8 in the state at the university of Iowa hospitals and
9 clinics.
10 d. Until such time as the publicly owned acute
11 care teaching hospital located in a county with a
12 population over three hundred fifty thousand notifies
13 the department that such hospital has reached service
14 capacity, the hospital and the university of Iowa
15 hospitals and clinics shall remain the only expansion
16 population providers for the residents of such county.
17 2. Expansion population services provided to
18 expansion population members by ~~providers included in~~
19 ~~the expansion population provider network~~ the publicly
20 owned acute care teaching hospital located in a county
21 with a population over three hundred fifty thousand and
22 the university of Iowa hospitals and clinics shall be
23 payable at the full benefit recipient rates.
24 3. Providers included in the expansion population
25 provider network shall submit clean claims within
26 twenty days of the date of provision of an expansion
27 population service to an expansion population member.
28 4. Unless otherwise prohibited by law, a provider
29 under the expansion population provider network may
30 deny care to an individual who refuses to apply for
31 coverage under the expansion population.
32 5. Notwithstanding the provision of section
33 347.16, subsection 2, requiring the provision of free
34 care and treatment to the persons described in that
35 subsection, the publicly owned acute care teaching
36 hospital described in subsection 1 may require any sick
37 or injured person seeking care or treatment at that
38 hospital to be subject to financial participation,
39 including but not limited to copayments or premiums,
40 and may deny nonemergent care or treatment to any
41 person who refuses to be subject to such financial
42 participation.
43 6. The department shall utilize up to seven million
44 three hundred thousand dollars in certified public
45 expenditures at the university of Iowa hospitals
46 and clinics to maximize the availability of state
47 funding to provide necessary access to both primary
48 and specialty physician care to expansion population
49 members. The resulting savings to the state shall
50 be utilized to reimburse physician services provided

1 to expansion population members at the university of
2 Iowa hospitals and clinics and to reimburse providers
3 designated to participate in the regional provider
4 network for services provided to expansion population
5 members.

6 7. The department shall adopt rules to establish
7 clinical transfer and referral protocols to be used by
8 providers included in the expansion population provider
9 network.

10 Sec. _____. 2010 Iowa Acts, Senate File 2156, section
11 5, if enacted, is repealed.

12 Sec. _____. 2010 Iowa Acts, Senate File 2356, section
13 2, amending section 249J.7, if enacted, is repealed.

14 Sec. _____. 2010 Iowa Acts, House File 2526, section
15 11, subsection 13, if enacted, is amended to read as
16 follows:

17 13. The university of Iowa hospitals and clinics
18 shall either certify public expenditures or transfer to
19 the medical assistance appropriation an amount equal
20 to provide the nonfederal share for increased medical
21 assistance payments for inpatient hospital services of
22 ~~\$7,500,000~~ up to \$9,900,000. The university of Iowa
23 hospitals and clinics shall receive and retain 100
24 percent of the total increase in medical assistance
25 payments.

26 Sec. _____. 2010 Iowa Acts, House File 2526, section
27 41, subsection 3, unnumbered paragraph 2, if enacted,
28 is amended to read as follows:

29 For salaries, support, maintenance, equipment, and
30 miscellaneous purposes for the provision of medical and
31 surgical treatment of indigent patients, for provision
32 of services to members of the expansion population
33 pursuant to chapter 249J, and for medical education:
34 \$ ~~12,000,000~~ 14,000,000

35 Sec. _____. 2010 Iowa Acts, House File 2526, section
36 41, subsection 6, if enacted, is amended to read as
37 follows:

38 ~~6. Contingent upon enactment of 2010 Iowa Acts,~~
39 ~~Senate File 2356, there is appropriated from the~~
40 ~~IowaCare account created in section 249J.24 to the~~
41 ~~department of human services for the fiscal year~~
42 ~~beginning July 1, 2010, and ending June 30, 2011, the~~
43 ~~following amount, or so much thereof as is necessary to~~
44 ~~be used for the purposes designated:~~

45 For payment to nonparticipating providers for
46 covered services provided in accordance with section
47 249J.24A:

48 \$ ~~2,000,000~~

49 Sec. _____. HOSPITAL HEALTH CARE ACCESS TRUST FUND
50 — APPROPRIATIONS. There is appropriated from the

1 hospital health care access trust fund created in
2 section 249M.4, if enacted by 2010 Iowa Acts, Senate
3 File 2388, to the department of human services for the
4 fiscal year beginning July 1, 2010, and ending June 30,
5 2011, the following amounts, or so much thereof as is
6 necessary, for the purposes designated:

7 1. For the medical assistance program:
8 \$ 39,406,000

9 Of the funds appropriated in this subsection,
10 \$20,542,883 shall be used for reimbursement of
11 hospitals under the medical assistance program in
12 accordance with section 249M.4, if enacted by 2010 Iowa
13 Acts, Senate File 2388.

14 2. For deposit in the nonparticipating provider
15 reimbursement fund created in section 249J.24A for the
16 purposes of the fund:

17 \$ 594,000

18 Sec. _____. NONPARTICIPATING PROVIDER REIMBURSEMENT
19 FUND — APPROPRIATION. Contingent upon enactment of
20 2010 Iowa Acts, Senate File 2388, there is appropriated
21 from the nonparticipating provider reimbursement
22 fund created in section 249J.24A to the department of
23 human services for the fiscal year beginning July 1,
24 2010, and ending June 30, 2011, the following amount,
25 or so much thereof as is necessary, for the purposes
26 designated:

27 To reimburse nonparticipating providers in
28 accordance with section 249J.24A:

29 \$ 2,000,000

30 Sec. _____. MEDICAL ASSISTANCE PROGRAM —
31 APPROPRIATION REDUCTION. Contingent upon enactment of
32 2010 Iowa Acts, Senate File 2388, the appropriation
33 from the general fund of the state to the department
34 of human services for the medical assistance program
35 for the fiscal year beginning July 1, 2010, and ending
36 June 30, 2011, as specified in 2010 Iowa Acts, House
37 File 2526, section 11, if enacted, is reduced by
38 \$18,863,117.

39 Sec. _____. CONTINGENT IMPLEMENTATION.
40 Implementation of the provisions of this division
41 of this Act making appropriations from the hospital
42 health care access trust fund and the nonparticipating
43 provider reimbursement fund and reducing the medical
44 assistance program appropriation are contingent upon
45 the department of human services receiving approval of
46 the requests relating to medical assistance waivers
47 and state plan amendments necessary to implement the
48 hospital health care access trust fund if enacted by
49 2010 Iowa Acts, Senate File 2388.>

50 59. Page 46, after line 5 by inserting:

1 <DIVISION _____
2 WAIVER OF PENALTIES AND INTEREST
3 Sec. _____. WAIVER OF PENALTIES AND INTEREST —
4 DISASTER-RELATED LOSSES — REFUNDS.
5 1. Notwithstanding sections 421.8, 421.27, and
6 422.25, if a taxpayer has filed a return for tax year
7 2008 relying in good faith on the expectation that the
8 state of Iowa would conform to the federal treatment
9 of disaster-related casualty losses under section
10 165(h) of the Internal Revenue Code, as modified by
11 the Heartland Disaster Relief Act of 2008, Pub. L.
12 No. 110-343, in computing net income for state tax
13 purposes, the director of revenue shall, for any
14 taxpayer amending the return in the time permitted by
15 statute, waive any penalty or interest due as a result
16 of either a failure to timely pay the tax due or the
17 filing of a defective or incorrect return.
18 2. If, prior to the effective date of this division
19 of this Act, a taxpayer paid penalties or interest as a
20 result of a good-faith reliance on the state conforming
21 to section 165(h) of the Internal Revenue Code, the
22 department of revenue shall refund such penalties and
23 interest to the taxpayer.
24 Sec. _____. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
25 APPLICABILITY. This division of this Act, being deemed
26 of immediate importance, takes effect upon enactment
27 and applies retroactively to January 1, 2008, for
28 tax years beginning on or after that date and before
29 January 1, 2009.>
30 60. By renumbering, redesignating, and correcting
31 internal references as necessary.
32 61. By renumbering as necessary.